ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.: EE-26.

MEETING DATE	2020-06-23 10:05 - Regular School Board Meeting
AGENDA ITEM	ITEMS
CATEGORY	EE. OFFICE OF STRATEGY & OPERATIONS
DEPARTMENT	Procurement & Warehousing Services

Special Order Request: ○ Yes ◉ No

Time:

Open Agenda: ◉ Yes ○ No

TITLE:

Recommendation of $500,000 or Greater - FY21-007 - Speech-Language Pathology and Audiology Services

REQUESTED ACTION:

Approve the recommendation to award the above Request for Proposal (RFP). Contract Term: July 1, 2020 through June 30, 2023, Three (3) Years; User Department: Exceptional Student Learning Support; Award Amount: $8,560,000; Awarded Vendor(s) Twenty-two (22); Small/Minority/Women Business Enterprise Vendor(s): Creative Solutions Companion Care Services, "LLC"; Global Speech and Rehab Services, LLC; MG Therapy, Inc.; Speech Rehab Services, LLC. See Supporting Docs for continuation of Requested Action.

SUMMARY EXPLANATION AND BACKGROUND:

The School Board of Broward County, Florida, received twenty-five (25) proposals in response to RFP FY21-007 - Speech-Language Pathology and Audiology Services. This RFP provides speech-language pathologists and audiologists for students who have a communication disorder in the areas of language, articulation, fluency, voice, and deaf/hard of hearing.
A copy of the RFP documents are available online at:
http://www.broward.k12.fl.us/supply/agenda/RFP_FY21-007_Speech-LanguagePathology&AudiologyServices.pdf

These Agreements have been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:

○ Goal 1: High Quality Instruction ◉ Goal 2: Safe & Supportive Environment ○ Goal 3: Effective Communication

FINANCIAL IMPACT:

Due to the COVID-19, the spending authority being requested is $8,560,000, and covers the estimated amount projected for the first twelve (12) months; therefore, additional spending authority to cover the remaining term of the RFP will be requested in a future date. The funding source will come from the general fund through school-based Florida Public Schools full-time equivalent generated for speech-language services and from the Exceptional Student Learning Support Department's operating budget. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the

EXHIBITS: (List)

(1) Continuation of Requested Action (2) Executive Summary (3) Financial Analysis Worksheet (4) Agreements_A ONLINE (5) Agreements_B ONLINE (6) Agreements_C ONLINE (7) Recommendation Tabulation (8) Cost Comparison (9) Evaluations-12

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Saemone Hollingsworth	Phone: 754-321-3400
Name: Mary C. Coker	Phone: 754-321-0501

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Senior Leader & Title: Maurice L. Woods - Chief Strategy & Operations Officer

Signature: *Maurice Woods*
6/18/2020, 4:34:04 PM
Electronic Signature

Approved In Open Board Meeting On: JUN 23 2020

By: _____
School Board Chair

Form #4189 Revised 07/25/2019
RWR/ MLW/MCC/AH/SH:ch

Recommendation of $500,000 or Greater
FY21-007 – Speech-Language Pathology and Audiology Services
June 23, 2020 Board Agenda

CONTINUATION OF REQUESTED ACTION

Academic Staffing, Inc.
All Source Recruiting Group, Inc.
d/b/a Ardor Health Solutions
AmplioSpeech, Inc.
Audrey B. Greenwald, M.S., CCC, P.A.
d/b/a Boca Speech Center
Community Rehab Associates, Inc.
d/b/a CRA Therapy
Comprehensive Therapy Consultants, Inc.
*Creative Solutions Companion Care Services, "LLC" (**Prime MBE-AA**)
d/b/a Creative In Home Health
EBS Healthcare Staffing Services, Inc.
EDU Healthcare, LLC
The Execu/Search Group, LLC
*Global Speech and Rehab Services, LLC (**Prime M/WBE-AA**)
HealthPRO Pediatrics, LLC
Innovative Employee Solutions, Inc. (Prime) / Princeton Staffing Solutions
Invo Healthcare Associates, LLC
*MG Therapy, Inc. (**Prime M/WBE-HA**)
Orange Tree Staffing, LLC
Pediatric Developmental Services, LLC
RCM Technologies (USA), Inc.
d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.
*Speech Rehab Services, LLC (**Prime WBE**)
Sunbelt Staffing, LLC
Therapro Staffing Inc.
Therapy Source, Inc.
d/b/a TX Source, Inc.
(* Certified Prime Minority/Women's Business Enterprise Vendor)

EXECUTIVE SUMMARY

Recommendation of $500,000 or Greater
FY21-007 – Speech-Language Pathology and Audiology Services

Introduction
Responsible: Procurement & Warehousing Services (PWS)

This request is to approve the recommendation to award Request for Proposal (RFP) FY21-007 – Speech-Language Pathology and Audiology Services for a period of three (3) years from July 1, 2020, through June 30, 2023, with two (2) one (1) year renewal options. This RFP will replace the current RFP 18-001V – Speech-Language Pathology and Audiology Services that will expire on June 30, 2020. This RFP will provide speech-language pathology and audiology services to eligible students in accordance with the Individuals with Disabilities Act.

Due to the COVID-19, the spending authority being requested is $8,560,000, and covers the estimated amount projected for the first twelve (12) months; therefore, additional spending authority to cover the remaining term of the RFP will be requested in a future date.

Goods/Services Description
Responsible: Exceptional Student Learning Support (ESLS)

Although it is recognized that some students may benefit from speech-language pathology and audiology services, only those students with a disability who meet federal and state guidelines may be served. These services are designed to provide support to students whose disorder(s) interfere with communication and adversely affect performance or functioning in the student's typical learning environment and result in the need for exceptional student education.

Performance requirements included within the RFP:

a) Awardees must provide speech-language pathologists whose performance is consistent with standard professional care and who comply with the State of Florida Department of Health, Division of Medical Quality Assurance, and Board of Professional Regulation for speech, language, and audiology requirements.

b) Awardees shall have their speech-language pathologists attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours, as determined by the District. These meetings will include but are not limited to, general information on the policies and procedures of the Broward County special programs and procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program.

c) Audiology services will determine the type and degree of hearing impairment and will implement habilitation and rehabilitation services for the student(s); administer and interpret a variety of tests (e.g., air and bone conduction, speech reception, and discrimination) to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech; evaluate test results about behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to a hearing disability; as well as plan and implement prevision, habilitation, or rehabilitation services (e.g., hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals).

Also, this RFP provides speech-language pathologists and audiologists for students who have a communication disorder in the areas of language, speech (articulation, fluency, voice), and/or deaf/hard of hearing. Without these services, speech and/or language impaired students would not develop to their potential in the areas of communication, pre-academic learning, vocational training, or social adjustment.

The projected spending authority for this RFP will include these factors, stated below, to come to an estimated spending authorization for this contract.

- Increase in student services as well as make-up sessions;
- Unexpected vacancies of Speech-Language Pathologists (SLP) due to some factors (family illness, early retirement, transfer, etc.), which have prompted the additional contractual costs;
- Include hospital, homebound students, for whom Exceptional Student Education and Support Services (ESE/SS) Department had to pick up the cost of services due to a shortage of District SLPs available to provide these services (including make-up sessions);
- Extensive growth in speech-language pathology personnel needed over the last three (3) school years related to the need to address high caseload issues discussed by both the Evergreen Report and the ESE/SS Task Force. Because the field is a critical shortage area, these positions are typically filled by contractual personnel who are paid an hourly rate based on a seven (7) hour day.

Nationwide, the fields of speech-language pathology and audiology are considered to be areas of critical shortage. There is a shortage of graduates choosing school-based speech-language pathology and/or audiology as a profession to pursue. Many schools lose potential job candidates to more lucrative positions at hospitals, rehabilitation centers, or private practice. Within the District, retirements, resignations, transfers, medical/family leave, and growth positions to address caseload/workload issues impacts the number of positions that are required to maintain the provision of Free Appropriate Public Education for students with disabilities.

Speech-Language Pathology Contracted Positions			
Description	**School Year (SY) 2017-2018**	**School Year 2018-2019**	**School Year 2019-2020** (through May 4, 2020)
Total SLP Contractual Positions	123	140	162
Number of SLP services being provided	23,341	24,770	29,109

Three (3) year trend data for the number of students with a Primary Eligibility of Speech and Language Impaired.

PK Assessment via Child Find total of SI and LI primary eligibility

2017-2018 SY	2018-2019 SY	2019-2020 SY
321	371	Pending

K-12 SI and LI Primary Eligibility

2017-2018 SY	2018-2019 SY	2019-2020 SY
8,060	8,135	8,282

COVID-19 Pandemic

Speech and Language services for students eligible via their Individual Evaluation Plan (IEP) have been provided since the school closure took place on March 16, 2020. Therapists are providing services in a variety of ways, including but not limited to parent/student home packets with parent conferencing, push-in services with ESE/Gen Ed teachers via Teams or Zoom meeting, home packets, and teletherapy. Services will continue to be provided through June 2, 2020.

Procurement Method
Responsible: PWS

The procurement method chosen is through a competitive solicitation, which is required by Purchasing Policy 3320, Part II, Rule D, and Florida Administrative Code 6A-1.012(7).

This solicitation was released to the public from November 14, 2019, through December 12, 2019, where one hundred forty (140) vendors were notified, thirty-seven (37) vendors downloaded the RFP documentation. Twenty-five (25) vendors responded to the RFP and submitted proposals. Three (3) vendor's proposals were rejected entirely due to not meeting the minimum eligibility requirements of the RFP.

The evaluation meeting was held on January 9, 2020, and the committee members consisted of:

Deneen Gorassini - Coordinator, Medicaid/504
Debra Harrington -Curriculum Specialist- Speech-Language Impaired, ESLS Department
Lisa-Ann Clarke-Financial Administrator, Medicaid/504

In accordance with Section 5.0, evaluation of proposals and the Evaluation Committee, it is recommended that the following listed Proposers be recommended for approval by the School Board for Healthcare Services. To be considered qualified for an award, the minimum score of sixty-five (65) points or higher is required.

Academic Staffing, Inc.
All Source Recruiting Group, Inc.
d/b/a Ardor Health Solutions
AmplioSpeech, Inc.
Audrey B. Greenwald, M.S., CCC, P.A.
d/b/a Boca Speech Center
Community Rehab Associates, Inc.
d/b/a CRA Therapy
Comprehensive Therapy Consultants, Inc.
*Creative Solutions Companion Care Services, "LLC" (**Prime MBE-AA**)
d/b/a Creative In Home Health
EBS Healthcare Staffing Services, Inc.
EDU Healthcare, LLC
The Execu/Search Group, LLC
*Global Speech and Rehab Services, LLC (**Prime M/WBE-AA**)
HealthPRO Pediatrics, LLC
Innovative Employee Solutions, Inc. (Prime) / Princeton Staffing Solutions
Invo Healthcare Associates, LLC
*MG Therapy, Inc. (**Prime M/WBE-HA**)
Orange Tree Staffing, LLC

Pediatric Developmental Services, LLC
RCM Technologies (USA), Inc.
d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.
*Speech Rehab Services, LLC (**Prime WBE**)
Sunbelt Staffing, LLC
Therapro Staffing, Inc.
Therapy Source, Inc.
d/b/a TX Source, Inc.
(* Certified Prime Minority/Women's Business Enterprise Vendor)

The Affirmative Procurement Initiative recommended by the Supplier Diversity and Outreach Program for this RFP was the Minority/Women's Business Enterprise Evaluation Preference for "Best Value" RFPs.

Financial Impact
Responsible: PWS & CSHC

Due to the COVID-19, the spending authority being requested is $8,560,000, and covers the estimated amount projected for the first twelve (12) months; therefore, additional spending authority to cover the remaining term of the RFP will be requested in a future date.

The total spending authority estimated for the contract period is $8,560,000, as calculated below:

Projected Avenue Monthly Expenditures	$ 713,092
Number of Months	36
Estimated forecasted spend	$25,671,325
Estimated forecasted spend for twelve (12) months	$ 8,557,108
Total Forecasted Spend (rounded)	**$ 8,560,000**

The funding source will come from the general fund through school-based Florida Public Schools full-time equivalent generated for speech-language services and from the Exceptional Student Learning Support Department's operating budget. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

PROCUREMENT & WAREHOUSING SERVICES

FINANCIAL ANALYSIS WORKSHEET

BID INFORMATION			
New Bid # (Ex: 10-004R):	FY21-007	Preparation Date:	May 20, 2020
Previous Bid # (Ex: 10-004R):	18-001V	Buyer/PA:	CHUCK HIGH
New Bid Award Total:	$8,560,000	Bid Title:	SPEECH - LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES
Previous Award Total:	$24,455,722		
Bid Type:	NEW BID		
Previous Bid Term (Start Date):	7/1/2017	New Bid Term (In Months):	36
Previous Bid Term (End Date):	6/30/2020	# of Months Into Bid:	34

SPEND REPORTING	
Purchase Order(s) Spend:	$24,245,140
P Card Purchases:	$0
Total Invoiced-to-Date Amount (PO + Pcard Purchases):	**$24,245,140**
Average Monthly Expenditure:	$713,092
Unused Authorized Spending:	**$210,582**
Est. Forecasted Spend (For Entire Bid Term):	**$25,671,325**

VENDOR INFORMATION		
Awarded Vendors:	M/WBE Status (If applicable):	Spend:
118973-SPEECH REHAB SERVICES LLC		$ 7,767,378
114361-BOCA SPEECH CENTER		$ 5,511,722
122830-INVO HEALTHCARE ASSOCIATES LLC		$ 3,650,989
114358-COMMUNITY REHAB ASSOCIATES INC		$ 3,181,844
112261-EBS HEALTHCARE STAFFING SERVICES IN		$ 2,252,005
131735-ORANGE TREE STAFFING LLC		$ 1,107,890
126691-COMPREHENSIVE THERAPY CONSULTANTS		$ 588,320
125035-PIERCE, SONDRA M		$ 67,846
130631-MG THERAPY INC		$ 51,000
129974-EXECU/SEARCH GROUP INC		$ 40,000
123251-ALL SOURCE RECRUITING GROUP INC		$ 21,914
112270-SHC SERVICES INC		$ 4,234
	PO VENDOR SPEND:	$ 24,245,140
	P-CARD SPEND:	$ -
	TOTAL SPEND:	$ 24,245,140

NOTES (Type Below):

Due to the COVID-19, the spending authority being requested is $8,560,000, and covers the estimated amount projected for the first twelve (12) months; therefore, additional spending authority to cover the remaining term of the RFP will be requested in a future date.

Default Funding Source*		Department/School & Sign-off Information*	
Business Aera	2610097800	Name (First & Last)	Saemone Hollingsworth
Fund	1000	Title	Director
Functional Area	5250791120000000	Department/School Name	Exceptional Student Learning Supp
Commitment Item	53150000	Sign-off provided by	Jose Laverde, Ph.D.

*To ensure accuracy, pease type in or select from the menu for the Default Funding Source and Department Information (No hand written information)

Data Source: SAP and Works (Bank of America system)	Prepared on:	6/15/2020

All information included in this summary is based on the preparation date listed above and may change at any time beyond that date.

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ACADEMIC STAFFING INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
1093 A1A Beach Boulevard, #284
St. Augustine, Florida 32080

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 10, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:

1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes

7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).

8) Any other document necessary for the provision of a Free Appropriate Public Education.

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect

all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice.** When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Mary Pichan Academic Staffing Inc. 1093 A1A Beach Boulevard #284 St. Augustine, Florida 32080
With a Copy to:	Robert Homan, Accounting Academic Staffing Inc. 1093 A1A Beach Boulevard #284 St. Augustine, Florida 32080

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records

required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject or accept any required policies of insurance, including limits, coverage or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under, Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida

Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third-Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third-party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws.** Each party shall comply with all applicable federal, state and local laws, SBBC policies, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.07 **Place of Performance.** All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue.** This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment.** Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions.** The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability.** In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement.** The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent

and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Academic Staffing Inc. - RFP FY21-007 - Speech-Language Pathology and Audiology Services
Date: 2020.06.11 16:53:24 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

ACADEMIC STAFFING INC.

By _____

Print Name: Mary Pichan

Title: Pres.

_____, Secretary

-or-

_____

Witness

_____

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Georgia

COUNTY OF Fulton

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 4, 2020 (*date*) by Mary Pichan (*name of officer or agent, title of officer or agent*) of Academic Staffing Inc (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Drivers License (*type of identification*) as identification and who ☑did/☐did not first take an oath this 4th day of June, 2020.

My Commission Expires:

RICHARD CARICO NOTARY EXPIRES GEORGIA May 10, 2022 PUBLIC FULTON COUNTY

(SEAL)

_____

Signature – Notary Public

Richard Carico

Notary's Printed Name

N/A

Notary's Commission No.

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not to hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall: (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administer and interpret a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluate test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plan and implement prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency

5/28/19
Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

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

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Requirement Related to ESE Policies and Procedures

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

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

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

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

Part I. General Policies and Procedures

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

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

District Level Standards

Districts shall:

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

District Monitoring Standards

Districts shall:

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

School Level Standards

Schools shall:

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

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

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

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

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

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

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

Seclusion – One of the following must be selected:

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

Assurances

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

Part I. General Policies and Procedures

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

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

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

District Procedures

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

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

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

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

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

   The school Principal or their designee will prepare the written notification.

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

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

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

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

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

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

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

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

The incident report is provided to the parents by mail within three school days of the incident.

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

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

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

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

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

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

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

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

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

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

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

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

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

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

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

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

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

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

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

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

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

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

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

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

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

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

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

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

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

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

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

N/A

Part I. General Policies and Procedures

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

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

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

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

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

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

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

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

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

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

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

○ Yes
◉ No

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

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

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

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

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

◉ Yes
○ No

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

The District does not use mechanical restraint.

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

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

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

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

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

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

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

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

▪ Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. ▪ Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. ▪ Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. ▪ Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. ▪ Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. ▪ To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. ▪ The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. ▪ Review a variety of restraint trainings available to determine if the district should continue to use PCM.

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

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

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

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

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

Total number of incidents of seclusion for the 2016-17 school year.

0

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

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

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

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

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

N/A

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

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

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

N/A

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

N/A

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

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

N/A

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

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

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

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

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

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

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

N/A

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

N/A

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Full Educational Opportunity Goal (FEOG)

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

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

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

Ages of Students Served

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

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

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

- ○ Yes
- ⊙ No

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

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

- ⊙ Yes
- ○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

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

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

One of the following must be selected.

○ I have read and understand the above information.

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

Part I. General Policies and Procedures

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

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

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

Written Agreements

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

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

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

○ Yes
◉ No

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

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

○ Yes
◉ No

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

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

◉ Yes
○ No

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

Atlantic Shores: Instructional Staff
Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

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

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

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

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

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

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

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

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

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

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

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

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

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

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

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

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

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

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

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

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

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

Contents of Contract

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

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

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

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

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

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

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

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

    h. Identification of financial responsibility.

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

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

    k. Provision for terminating the contract.

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

Additional District Responsibilities

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

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

Part I. General Policies and Procedures

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

Florida Educational Finance Program (FEFP) Funds

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

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

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

Notes:

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

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

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

(•) Yes
( ) No

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

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

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

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

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

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

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

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

Limited English Proficiency (LEP) Students

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

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

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

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

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

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

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

3. Consent

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

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

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

4. Safeguards

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

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

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

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

5. Destruction of information

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

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

6. Annual written notice to parents

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

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

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

7. Free Appropriate Public Education (FAPE)

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

8. Transition from Part C to Part B

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

9. Funding formula

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

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

Part I. General Policies and Procedures

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

Coordinated Early Intervening Services (CEIS)

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

CEIS may be used for:

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

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

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

Part I. General Policies and Procedures

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

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

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

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

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

Procedural Safeguards

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

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

1. Procedural safeguards for students with disabilities

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

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

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

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

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

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

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

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

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

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Procedures

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

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

Requirements or Options No Longer Applicable

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

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

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Procedures

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

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

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

Definition

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

Procedures

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

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

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

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

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

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

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

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

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

3. The person appointed as a surrogate parent:

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

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

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

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

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

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

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

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

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

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Definition

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

Procedures

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

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

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

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

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

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

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

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

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

3. IEPs for students who transfer from outside Florida

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

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

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

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

4. EPs for gifted students who transfer from outside Florida

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

5. Parental consent

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

6. Transmittal of records

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

Part I. General Policies and Procedures

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

Statutory and Regulatory Citations

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

Procedures

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

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

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

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

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

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

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

Definition

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

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

1. Parent involvement in general education intervention procedures

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

2. Observations of student in the educational environment

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

3. Review of data

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

4. Sensory screenings and diagnostic assessments

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

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

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

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

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

(●) Yes
( ) No

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

The document is available to all personnel and is located on the MTSS website.
http://www.browardprevention.org/mtssrti/

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

N/A

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

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

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

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

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

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

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

Part I. General Policies and Procedures

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

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

Definition

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

Procedures for Initiating an Evaluation

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

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

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

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

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

1. Obtain consent for the evaluation; or

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

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

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

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

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

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

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

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

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

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

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

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

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

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

Definitions

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

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

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

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

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

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

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

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

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

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

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

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

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

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

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

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

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

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

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

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

i. A biological or adoptive parent of a student

ii. A foster parent

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

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

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

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

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

4. Evaluation procedures

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

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

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

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

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

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

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

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

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

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

vi. In conducting an evaluation, the school district:

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

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

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

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

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

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

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

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

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

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

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

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

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

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

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

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

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

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

3. Parental consent when additional data are needed

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

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

4. Reevaluation timelines

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

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

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

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

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

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

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

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

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

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

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

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

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

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

Definition

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

General

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

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

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

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

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

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

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

Philosophy

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

Curriculum

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

Instructional Support

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

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

Student Reevaluation

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

Qualified Evaluators

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definitions

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

Eligibility Criteria

1. For a child three through five years of age

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Evaluation

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

Procedures for evaluation for children three through five years:

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

Continued Eligibility for ESE Services

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

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below36 months)

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

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

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

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

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

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

    and
3. The student demonstrates a need for special education.

OR

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

Student Evaluation

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

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

Student Reevaluation

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

Qualified Evaluators

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

The following are qualified evaluators for specialized evaluations:

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

Unique Philosophical, Curricular, or Instructional Considerations

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

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Evidence-Based Interventions in General Education

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

Eligibility Criteria

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

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

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

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

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

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

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Continued Eligibility

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

Part II. Policies and Procedures for Students with Disabilities

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

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

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

Definitions

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

Eligibility Criteria

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

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C.
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

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

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

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

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

Instructional Services

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

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

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

Students Receiving Treatment in a Children's Specialty Hospital

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

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

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

◉ Yes
○ No
○ N/A

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

Joe DiMaggio Children's Hospital

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

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

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

c. The educationally relevant medical findings, if any.

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

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

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

⊖ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

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

Eligibility Criteria

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

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

Student Evaluation

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

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

Eligibility Criteria

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

1. Evidence of specific learning disability

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

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

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

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

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

⊙ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

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

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

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

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

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

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

   a. The student does not make adequate progress when:

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

   and

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

2. Observation requirement

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

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

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

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

Procedures

1. General education intervention procedures and activities

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

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

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

2. Members of the group determining eligibility

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

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

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

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

3. Documentation of determination of eligibility

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

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

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

    c. The educationally relevant medical findings, if any

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

        - Performance discrepancy

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

        - Rate of progress

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

- Educational need

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

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

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

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

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

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

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

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

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

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

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

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

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

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

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

Eligibility Criteria

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

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

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

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

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

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

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

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

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

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

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

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

4. The student demonstrates a need for special education.

Student Evaluation

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

1. For a speech sound disorder, the evaluation must include all of the following:

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

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

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

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

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

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

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

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

   d. An assessment of all of the following areas:

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

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

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

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

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

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

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

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

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

2. Speech-language associate (SLA)

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

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

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

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

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

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

Eligibility Criteria

1. For prekindergarten children

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

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

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

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

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

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

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

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

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

2. For students in kindergarten through Grade 12

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

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

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

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

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

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

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

Documentation of Determination of Eligibility

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

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

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

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

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

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

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

2. Students in kindergarten through Grade 12

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

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

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

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

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

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

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

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

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

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

Definition

Students who are visually impaired include the following:

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

b. A student who has low vision.

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

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

Eligibility Criteria

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

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

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

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

Reevaluation

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

Specialized Evaluations: Qualified Evaluators

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

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

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

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

Determination of Need for Occupational Therapy

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

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

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

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

Assessments

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

Determination of Need for Physical Therapy

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

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

Unique Philosophical, Curricular, or Instructional Considerations

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

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

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

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

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

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

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

Procedures

1. Role of parents

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

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

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

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

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

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

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

3. IEP team participants

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

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

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

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

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

LEA or the LEA Designee

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

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

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

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

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

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

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

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

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

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

8. Content of the IEP

Each IEP must include the following:

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

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

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

9. Transitional needs addressed within IEP

a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

- A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
- The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
- Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
- A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

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

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

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

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

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

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

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

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

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

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

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

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

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

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

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

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

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

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

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

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

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

13. Least restrictive environment (LRE) and placement determinations:

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

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

  The district completed the BPIE.

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

February 22, 2016

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

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

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

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

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

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

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

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

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

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

17. IEP implementation and accountability

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

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

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

19. Access to instructional materials

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

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

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

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

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

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

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

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

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

   a. The removal is for more than 10 consecutive school days.

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

2. Controlled substance

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

3. Illegal drug

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

4. Serious bodily injury

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

5. Weapon

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

6. Manifestation determination

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

7. Interim alternative educational setting (IAES)

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

Procedures

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

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

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

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

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

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

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

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

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

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

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

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

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

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

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

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

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

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

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

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

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

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

FAPE is provided if the student is placed in an alternative educational setting.

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

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

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

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

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

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

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

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

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

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

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

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

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

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

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

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

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

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

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

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

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

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

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

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

    a. Basis of knowledge

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

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

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

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

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

c. Conditions that apply if no basis of knowledge

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

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

12. Student records in disciplinary procedures

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

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

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

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

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

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

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

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

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

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

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

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

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

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

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

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

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

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

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

Eligibility Criteria

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

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

Child Evaluation

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

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

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

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

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

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

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

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

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

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

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

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

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review, the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

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

a. Parental consent is obtained;

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

c. Signatures of those who developed the IFSP; and

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

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

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

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

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

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

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

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

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

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

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

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

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

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

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

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

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

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

Eligibility Criteria

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

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

Additional Information:

⦿ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

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

Temporary Break in Service

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

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

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

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

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

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

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

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

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

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

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

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

2. Parent participation in EP meetings

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

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

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

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

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

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

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

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

Procedures

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

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

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

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

   a. Activities

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

   b. Cost

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

   c. Completion period

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

   d. Out-of-state students

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

3. Confidentiality of personally identifiable information

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

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

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

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

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

b. Record keeping

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

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

5. Expenditures

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

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

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

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

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

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

9. Consultation with private school representatives

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

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

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

11. Compliance

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

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

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

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

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

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

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

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

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

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

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

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

Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

    Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

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

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

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

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

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

II.B.1 Autism Spectrum Disorder

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

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

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

II.B.3 Developmentally Delayed

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

II.B.4 Dual-Sensory Impaired

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

II.B.5 Emotional or Behavioral Disabilities

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

II.B.6 Established Conditions

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

II.B.7 Homebound or Hospitalized

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

II.B.8 Intellectual Disabilities

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

II.B.9 Orthopedic Impairment

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

II.B.10 Other Health Impairment

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

II.B.11 Traumatic Brain Injury

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

II.B.12 Specific Learning Disabilities

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

II.B.13 Speech Impairments

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

II.B.14 Language Impairments

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

II.B.15 Visually Impaired

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

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

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

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE

Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital S, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration				
Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Kralower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) P	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) I
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PR	18) P	*30) PR
8) PR	19) PM	
9) I	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Exhibit 1

District FIN Services Plan (FSP)

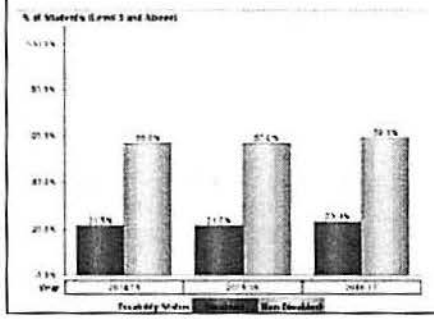
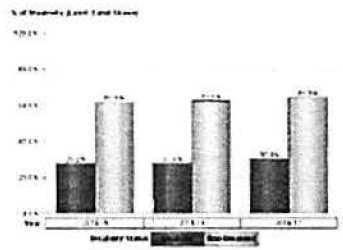
LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.* 	23.4% EdStats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Exhibit 1

District FIN Services Plan (FSP)

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% EdStats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: 48% **2017-18: 50%**	2016-17: 32% 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: 46.30% 2017-18: 45.30%	2016-17: 47.3% **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: 37% 2017-18: 39%	2016-17: 33.5% **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018—FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: 50% 2017-18: 52%	2016-17: 45% **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: 66% 2017-18: 69%	2016-17: 55% **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 FLDOE 56%

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3-5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** _X_ Indicator 5a Regular Class _X_ Indicator 5b Separate Class _X_ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion- Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32- school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	**State Strategic Plan Indicator(s): (please mark)** __X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities	FIN will provide ongoing support to transition team in ensuring inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

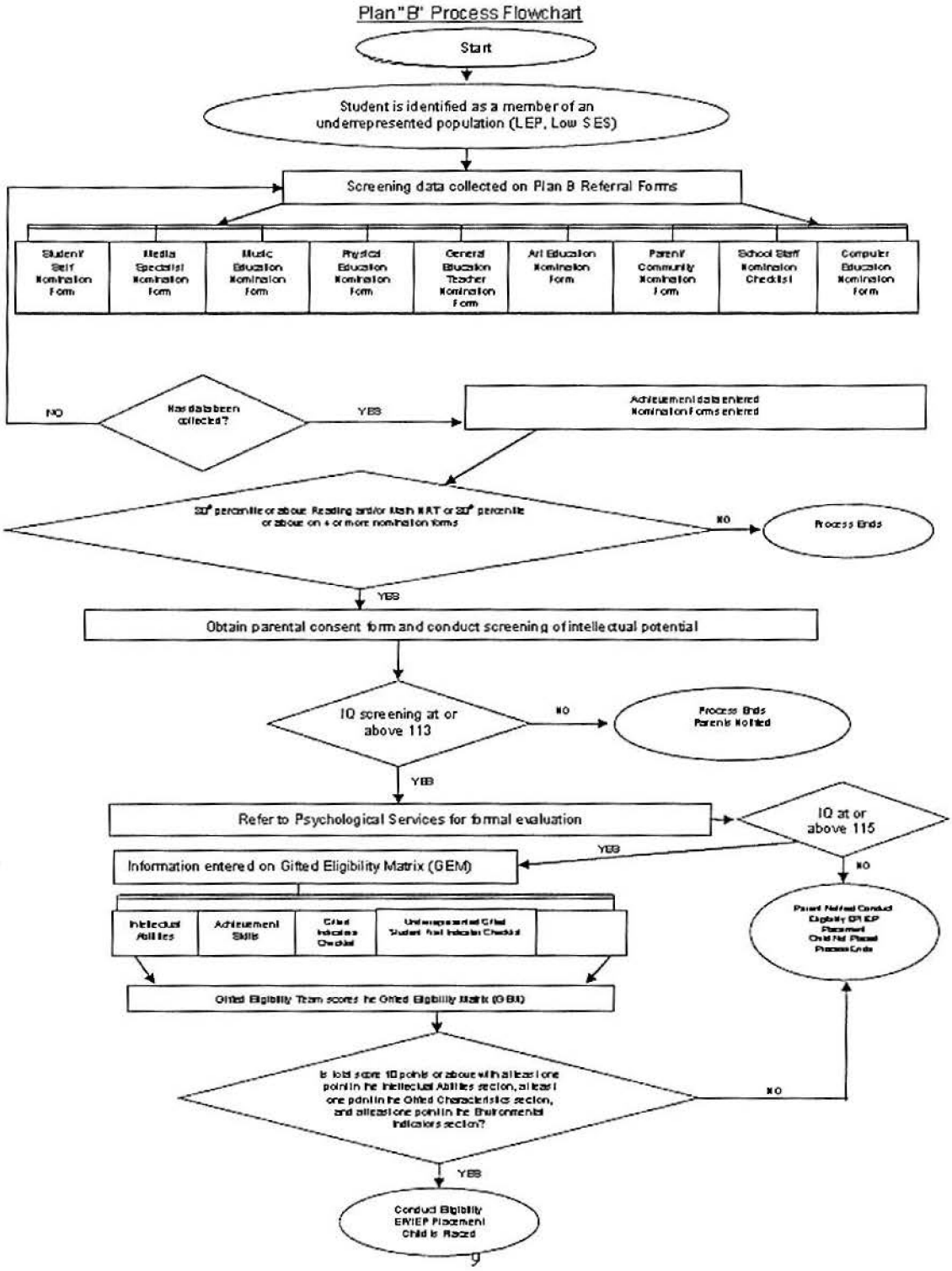
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination forms entered
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
Information entered on Gifted Eligibility Matrix (GEM)
NO
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
NO
YES
Conduct Eligibility ER/IEP Placement
Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

Exhibit 1

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** ____Yes ____No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total) _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: ____Yes ____No

   FSA level 4 or 5 in reading or mathematics: ____Yes ____No

3. NOMINATION FORMS	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	____Yes____No
(B) Student Self-Nomination	_____	10	(8)	____Yes____No
(C) General Education Teacher	_____	10	(8)	____Yes____No
(D) School Staff	_____	10	(8)	____Yes____No
(E) Media Specialist	_____	10	(8)	____Yes____No
(F) Computer Education	_____	10	(8)	____Yes____No
(G) Physical Education	_____	10	(8)	____Yes____No
(H) Art Education	_____	10	(8)	____Yes____No
(I) Music Education	_____	10	(8)	____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning	____Yes ____No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	____Yes ____No

Referred for evaluation by the School Psychologist	____Yes ____No

11

NOMINATION FORM A

PARENT/ COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____
2. Displays a sense of humor; makes others laugh; tells jokes _____
3. Is involved in many school activities _____
4. Has the ability to influence others, positively or negatively _____
5. Tends to dominate others _____
6. Asks a lot of questions _____
7. Shows self-confidence _____
8. Is a risk taker _____
9. Has a good imagination _____
10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly, even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____
2. Learns quickly (e.g., grasps and applies techniques) _____
3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____
4. Is good at detailed work _____
5. Shows originality in ideas _____
6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____
7. Enjoys art; tends to expand on basic instructions _____
8. Likes to do "own thing" rather than follow instructions _____
9. Shows greater depth, more complete understanding of subject matter _____
10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	4 125-127+	3 122-124	2 119-121	1 115-118	Score
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	Score
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	Score
Environmental Indicators Yes Student primary language(s) other than English (1p) ____ Student from a low SES* family (1 p) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1 or 2 pts) ____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	Score
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* The following characteristics may be observed in English or in the student's heritage language

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points: LEARNING: _____

This student exhibits this behavior

	C	O	S	R	N
MOTIVATION					
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports; participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Noticeably distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points: MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trendsetter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings, utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X4 = _____

#in O _____ X3 = _____

#in S _____ X2 = _____

#in R _____ X1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamoers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

Exhibit 1

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

Exhibit 1

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ACADEMIC STAFFING INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
1093 A1A Beach Boulevard #284
St. Augustine, Florida 32080

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Mary Pichan Academic Staffing Inc. 1093 A1A Beach Boulevard #284 St. Augustine, Florida 32080
With a Copy to:	Robert Homan, Accounting Academic Staffing Inc. 1093 A1A Beach Boulevard #284 St. Augustine, Florida 32080

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Academic Staffing Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 16:53:54 -04'00'

Office of the General Counsel

FOR BUSINESS ASSOCIATE

ACADEMIC STAFFING INC.

Signature

By: Mary Pichan/Pres.
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Georgia

COUNTY OF Fulton

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this July 4 2020 (*date*) by Mary Pichan (*name of officer or agent, title of officer or agent*) of Academic Staffing Inc (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is personally known to me or has produced Drivers License (*type of identification*) as identification and who ☑did/☐did not first take an oath this 4th day of July, 2020.

My Commission Expires:

RICHARD CARICO NOTARY EXPIRES GEORGIA May 10, 2022 PUBLIC FULTON COUNTY

(SEAL)

Signature – Notary Public

Richard Carico
Notary's Printed Name

N/A
Notary's Commission No.

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ALL SOURCE RECRUITING GROUP, INC.
D/B/A ARDOR HEALTH SOLUTIONS
(hereinafter referred to as "VENDOR"),
whose principal place of business is
5830 Coral Ridge Drive, Suite 300
Coral Springs, Florida 33076

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated November 21, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records**.

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Ernsarlinde Joachim, RFP Manager All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions 5830 Coral Ridge Drive, Suite 300 Coral Springs, Florida 33076
With a Copy to:	Greg Brusey, Director of Finance All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions 5830 Coral Ridge Drive, Suite 300 Coral Springs, Florida 33076

2.10 **Background Screening**. VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee

imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 12:00:53 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ALL SOURCE RECRUITING GROUP, INC.
D/B/A ARDOR HEALTH SOLUTIONS

ATTEST:

By _____

_____, Secretary

Print Name: Ernsarlinde Joachin

Title: RFP Manager

-or-

_____
Witness

Sarah Osborne
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 5, 2020 (*date*) by Ernsarlinde Joachin (*name of officer or agent, title of officer or agent*) of All Source Recruiting Group, d/b/a Ardor Health Solutions (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced FL Driver License (*type of identification*) as identification and who ☒did/☐did not first take an oath this 5 day of June, 2020.

My Commission Expires: 04/25/2024

_____
Signature – Notary Public

Muhammad Aamir
Notary's Printed Name

(SEAL)

GG 942572
Notary's Commission No.

MUHAMMAD AAMIR
Commission # GG 942572
Expires April 25, 2024
Bonded Thru Budget Notary Services

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program 63

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder 64

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing 66

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed 69

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired 72

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities 76

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions 79

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized 80

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities 83

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment 85

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment 86

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury 87

Section B.12: Exceptional Education Eligibility for Students with Specific Learning Disabilities 88

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments 93

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments 97

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired 102

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service 104

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services 106

Section C: Individual Educational Plan 108

Section D: Discipline 123

Section E: Participation in State and District Assessments 131

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities 136

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years 140

Part III. Policies and Procedures for Students

Section A: Exceptional Student Education Eligibility for Students who are Gifted 147

Section B: Educational Plans for Students who are Gifted 149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities 152

Section B: John M. McKay Scholarships for Students with Disabilities Program 158

Section C: Gardiner Scholarship Program 161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident.**

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

   - The determination and the reasons for that determination and
   - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

   The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

   - Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
   - Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
   - Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

   For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

   a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

   b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

   a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

   b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

   c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.
⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

          The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

          When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.

    b. Written documentation of the most recent evaluation data.

    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    e. Written evidence that the student has had the opportunity to learn the skills being tested.

    f. Written evidence that the student has been provided appropriate instructional accommodations.

    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.

    h. Written evidence of the circumstance or condition as defined in section (1).

    i. The name, address, and phone number of the student's parent.

4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.

5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity

    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

        - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
        - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
        - Has a disability as defined above.
    - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
    - "Eligible postsecondary institution" means any of the following:
        - Florida College System institution;
        - State university;
        - School district technical center;
        - School district adult general education center; or
        - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
    - "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
    - "IEP" means an individual education plan.
    - "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
    - "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
    - "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
    - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
    - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
    - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with All Source Recruiting Group, Inc. d/b/a Arator Health Solutions

BPIE DISTRICT INDICATOR Tally Sheet

Agreement with All Source Recruiting Group, Inc. d/b/a Ador Health Solutions

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Agreement with All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of all students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

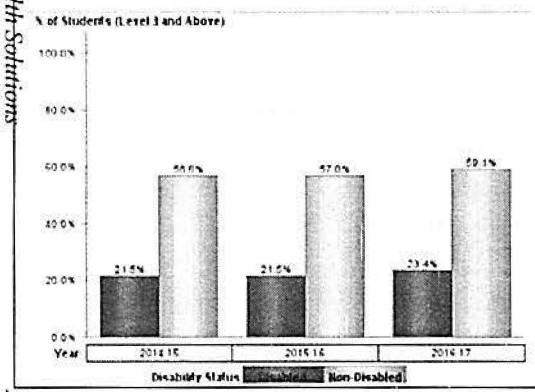
Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

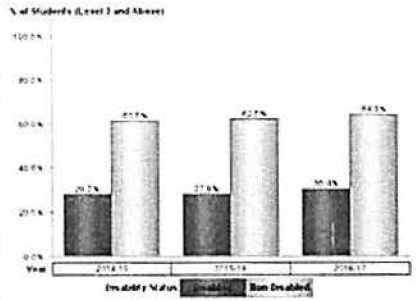
District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) I
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PR	18) I	*30) PR
8) PR	19) PM	
9) I	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with All South Recruiting Group, Inc. d/b/a Ardor Health Solutions

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Resource Recruiting Group, Inc. dba Action Healthcare Solutions

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with All Source Recruiting Group, Inc. d/b/a Arrow Health Solutions

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with All Source Recruiting Group, Inc. & Health Solutions

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

   a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

   b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

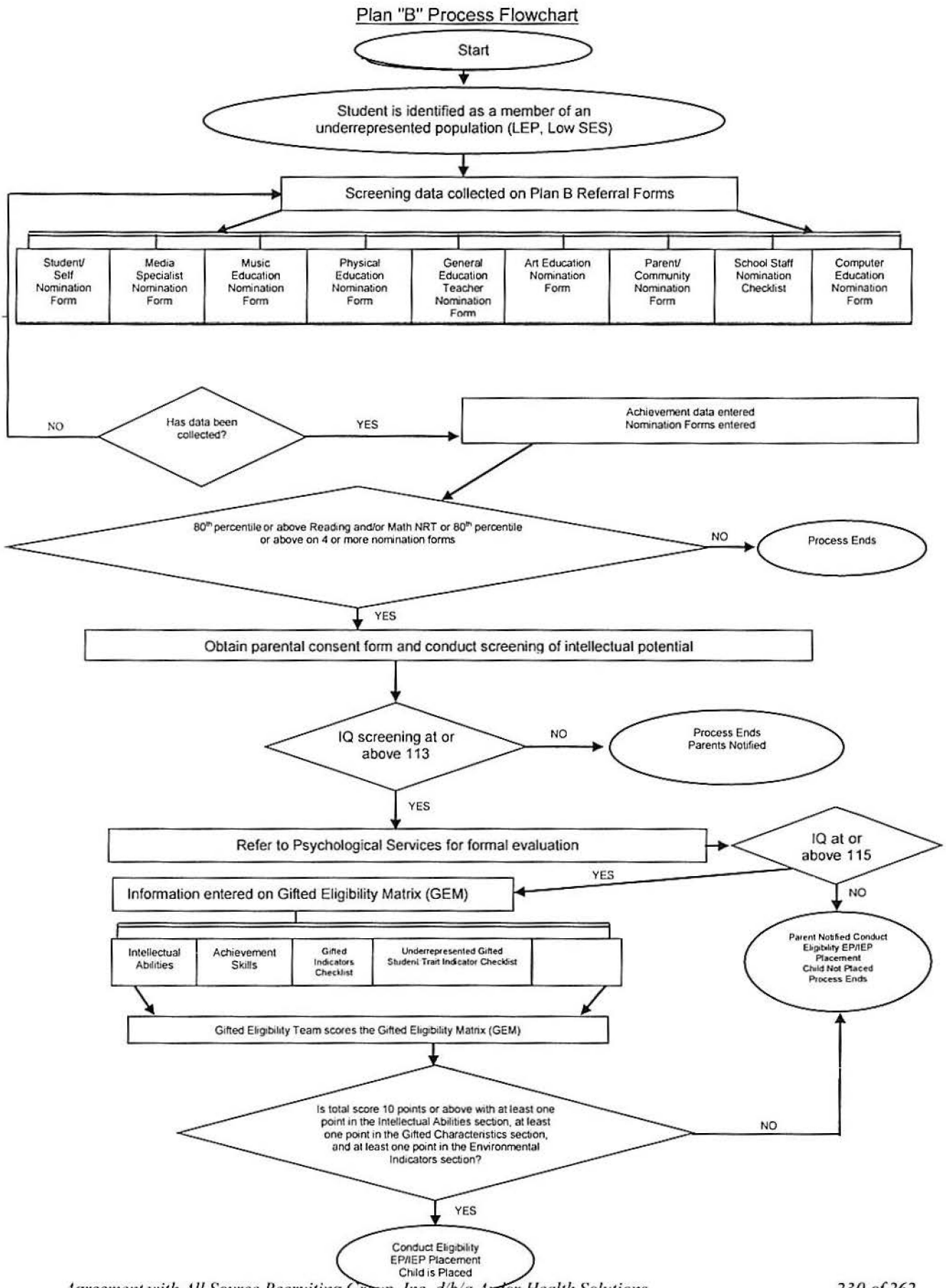
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____Student #:_____

Grade: _____Date:_____DOB:_____Sex:___Free/Reduced Lunch:_____

Home Language:_____Current Classification:_____Date:_____

School:_____Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** ____ Yes ____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: ____ Yes ____ No

   FSA level 4 or 5 in reading or mathematics: ____ Yes ____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning ____ Yes ____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist ____ Yes ____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	4 125-127+	3 122-124	2 119-121	1 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Yes Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

This student exhibits this behavior

* **The following characteristics may be observed in English or in the student's heritage language**

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

ADAPTABILITY	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 3rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ALL SOURCE RECRUITING GROUP, INC.
D/B/A ARDOR HEALTH SOLUTIONS
(hereinafter referred to as "Business Associate"),
whose principal place of business is
5830 Coral Ridge Drive, Suite 300
Coral Springs, Florida 33076

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) **"*Breach*"** has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
Ernsarlinde Joachim, RFP Manager
All Source Recruiting Group, Inc.
d/b/a Ardor Health Solutions
5830 Coral Ridge Drive, Suite 300
Coral Springs, Florida 33076

With a Copy to:
Greg Brusey, Director of Finance
All Source Recruiting Group, Inc.
d/b/a Ardor Health Solutions
5830 Coral Ridge Drive, Suite 300
Coral Springs, Florida 33076

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: All Source Recruiting Group, Inc. d/b/a Ardor Health Solutions - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 12:01:20 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

ALL SOURCE RECRUITING GROUP, INC.
D/B/A ARDOR HEALTH SOLUTIONS

Signature

By: Ernsarlinde Joachim - RFP Manager
Print Name and Title

Witness

Sarah Osborne
Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 5, 2020 (*date*) by Ernsarlinde Joachim (*name of officer or agent, title of officer or agent*) of All Source Recruiting Group, d/b/a Ardor Health Solutions (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced FL Driver License (*type of identification*) as identification and who ☒did/☐did not first take an oath this 5 day of June, 2020.

My Commission Expires: 04/25/2024

Signature – Notary Public

(SEAL)

MUHAMMAD AAMIR
Commission # GG 942572
Expires April 25, 2024
Bonded Thru Budget Notary Services

Muhammad Aamir
Notary's Printed Name

GG 942572
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

AMPLIOSPEECH, INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
2002 Clipper Park Road, Suite 201
Baltimore, Maryland 21211

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 2, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s) received. VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance.** VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC.** VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Eldar Aharonovich, Chief Operations Officer AmplioSpeech, Inc. 6110 Executive Blvd., Suite 206 Rockville, MD 20852
With a Copy to:	Dr. Yair Shapira, Chief Executive Officer AmplioSpeech, Inc. 6110 Executive Blvd., Suite 206 Rockville, MD 20852

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties

described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Ampliospeech, Inc. - RFP FY21-007 - Speech-Language Pathology and Audiology Services
Date: 2020.06.11 11:13:11 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

AMPLIOSPEECH, INC.

ATTEST:

By _____

_____, Secretary

Print Name: Eldar Aharonovich

-or-

Title: Chief Operations Officer

_____

Witness

_____

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Virginia

COUNTY OF Arlington

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 06/02/2020 (*date*) by Eldar Aharonovich (*name of officer or agent, title of officer or agent*) of Ampliospeech, Inc (*name of corporation acknowledging*), a Delaware (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Drivers License - MD (*type of identification*) as identification and who ☑did/☐did not first take an oath this 02 day of June, 2020.

My Commission Expires: June 30, 2024

(SEAL)

CHIRAG PATEL
ELECTRONIC NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7679556
COMMISSION EXP JUNE 30, 2024

Notary Stamp Placed at 2020/06/02 13:22:18 EST glat

_____

Signature – Notary Public

Chirag Patel

Notary's Printed Name

7679556

Notary's Commission No.

Document Notarized using a Live Audio-Video Connection

[THIS SPACE INTENTIONALLY LEFT BLANK]

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall to provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall to provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

⊙ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE

Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with AmplioSpeech, Inc.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

fin

District: Broward **FIN Services Plan Date:** **February 6, 2018**

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of all students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

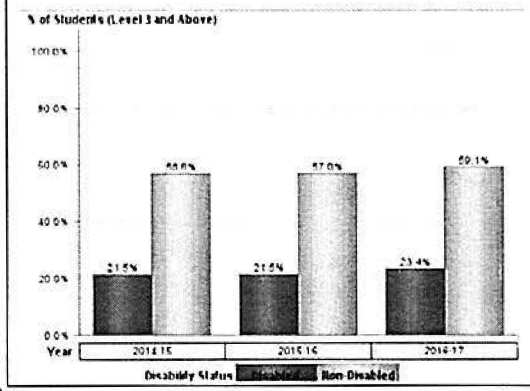
District BPIE Self-Assessment and FSP review dates:

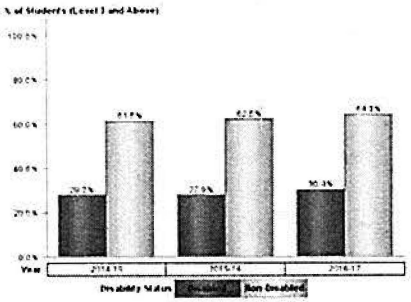
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) I
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PR	18) I	*30) PR
8) PR	19) PM	
9) I	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with AmplioSpeech, Inc.

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥**79%** 2016-17: ≥**82%** 2017-18: ≥**83%** 2018-19: ≥**85%**	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ **9%** 2016-17: ≤ **8%** 2017-18: ≤ **7%** 2018-19: ≤ **6%**	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ **1.75%** 2016-17: ≤ **1.50%** 2017-18: ≤ **1.25%** 2018-19: ≤ **1%**	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with AmplioSpeech, Inc.

Agreement with Amplio Speech, Inc.

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with AmplioSpeech, Inc.

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Applied Speech, Inc.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
2. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with SimplioSpeech, Inc.

District BPIE Priority Indicator(s): #30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	State Strategic Plan Indicator(s): (please mark) __X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with AppioSpeech, Inc.

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with AmplioSpeech, Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

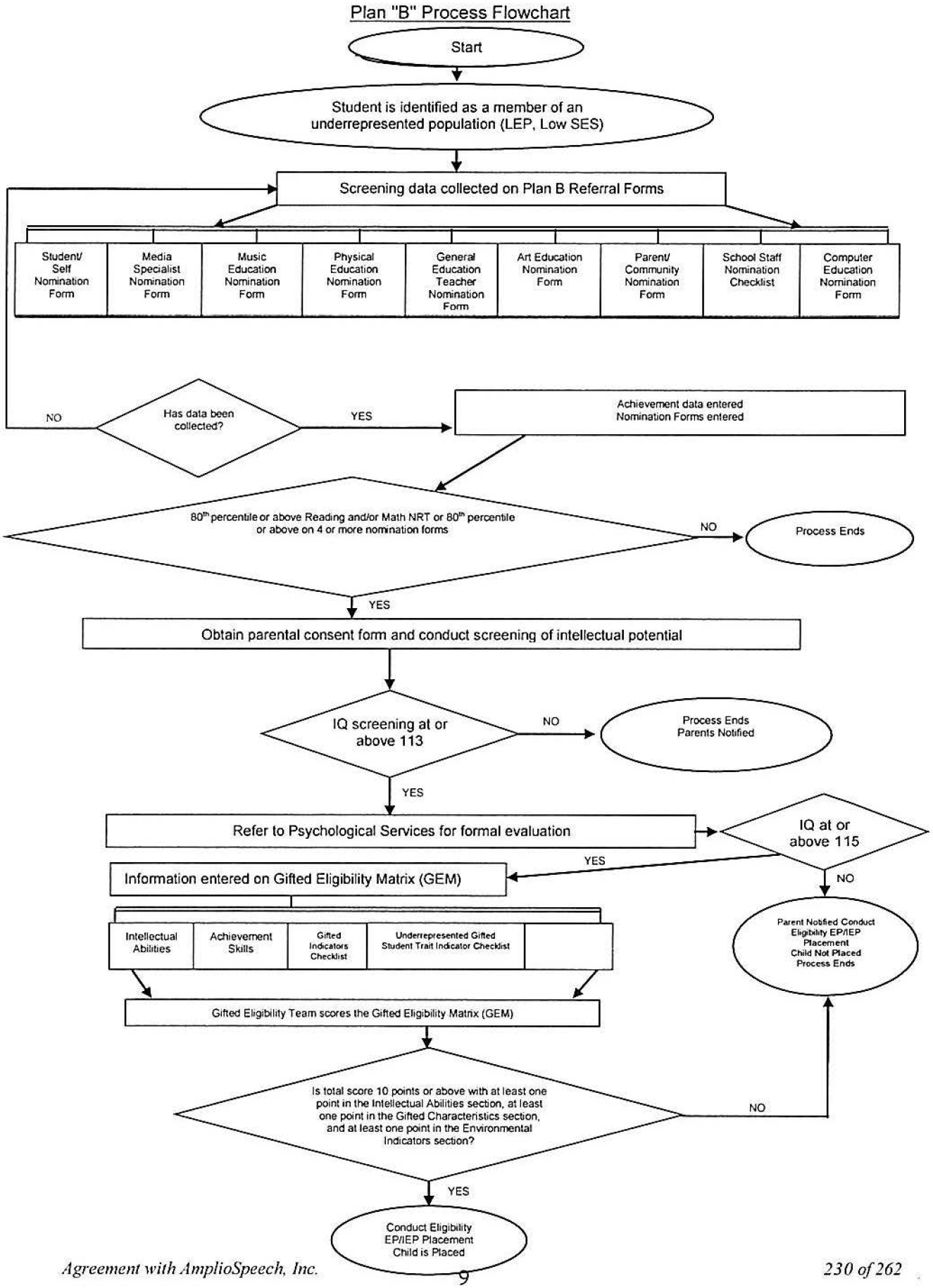
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes_____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C)	General Education Teacher	_____	10	(8)	_____Yes_____No
(D)	School Staff	_____	10	(8)	_____Yes_____No
(E)	Media Specialist	_____	10	(8)	_____Yes_____No
(F)	Computer Education	_____	10	(8)	_____Yes_____No
(G)	Physical Education	_____	10	(8)	_____Yes_____No
(H)	Art Education	_____	10	(8)	_____Yes_____No
(I)	Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning	_____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist	_____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) _____	**Yes** Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C_____ **X 4 =** _____

#in O_____ **X 3 =** _____

#in S_____ **X 2 =** _____

#in R_____ **X 1 =** _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C_____ **X 4 =** _____

#in O_____ **X 3 =** _____

#in S_____ **X 2 =** _____

#in R_____ **X 1 =** _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

TOTAL POINTS ON THE 4 HIGHEST AREAS = ☐

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

AMPLIOSPEECH, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
2002 Clipper Park Road, Suite 201
Baltimore, Maryland 21211

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) **"*Breach*"** has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Eldar Aharonovich, Chief Operations Officer AmplioSpeech, Inc. 6110 Executive Blvd., Suite 206 Rockville, MD 20852
With a Copy to:	Dr. Yair Shapira, Chief Executive Officer AmplioSpeech, Inc. 6110 Executive Blvd., Suite 206 Rockville, MD 20852

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Ampliospeech, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 11:13:46 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

AMPLIOSPEECH, INC.

Signature

By: Eldar Aharonovich
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Virginia

COUNTY OF Arlington

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this _____ (*date*) by Eldar Aharonovich (*name of officer or agent, title of officer or agent*) of Ampliospeech, Inc (*name of corporation acknowledging*), a Delaware (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Drivers License - MD (*type of identification*) as identification and who ☑did/☐did not first take an oath this 02 day of June, 2020.

My Commission Expires: June 30, 2024

(SEAL)

CHIRAG PATEL
ELECTRONIC NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7679556
COMMISSION EXP JUNE 30, 2024
Notary Stamp Placed at 2020/06/02 13:22:18 EST xw761

Signature – Notary Public

Chirag Patel
Notary's Printed Name

7679556
Notary's Commission No.

Document Notarized using a Live Audio-Video Connection

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

AUDREY B. GREENWALD, M.S., CCC, P.A.
D/B/A BOCA SPEECH CENTER
(hereinafter referred to as "VENDOR"),
whose principal place of business is
160 NW 4th Street
Boca Raton, Florida 33432

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 2, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 75/100 Cents ($58.75) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center 160 NW 4th Street Boca Raton, Florida 33432
With a Copy to:	Nichole Ben Hamo, M.S., CCC-SLP 160 NW 4th Street Boca Raton, Florida 33432

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate

immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject or accept any required policies of insurance, including limits, coverage or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under, Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:14:36 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

AUDREY B. GREENWALD, M.S., CCC, P.A.
D/B/A BOCA SPEECH CENTER

ATTEST:

By Audrey Greenwald

_____, Secretary

Print Name: Audrey Greenwald

-or-

Title: Owner

Nicole Ritz

Witness

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 21, 2020 (*date*) by Audrey Greenwald (*name of officer or agent, title of officer or agent*) of Boca Speech Center (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☐did/☐did not first take an oath this 21st day of May, 2020.

My Commission Expires:

AVRI S. BEN-HAMO
Commission # GG 227295
Expires June 11, 2022
Bonded Thru Budget Notary Services

_____
Signature – Notary Public

Avri Ben-Hamo
Notary's Printed Name

(SEAL)

_____
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) shall under this Agreement follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

(•) Yes
( ) No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:

    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.

    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.

    c. May not use a student's benefits under a public insurance program if that use would (any of the following):

        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:

        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:

        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(•) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

          The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

          When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

  Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

  The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center 197 of 262

Exhibit 1

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

206 of 262

Exhibit 1

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

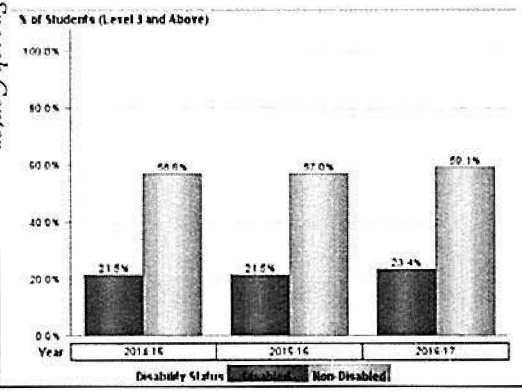
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center 211 of 262

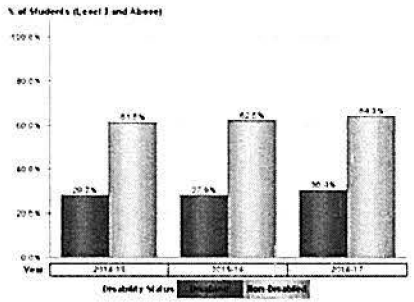
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Audrey Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Lindsey B. Greenwald, M.S., CCC, M.Ad/dd/apraxia Clinician

215 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Andrea B. Greenwald, M.S., CCC-SLP, P.A. d/b/a Boca Speech Center
216 of 262

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

217 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Audrey B. Greenwald, M.S., CCC, F.A.A. and Boca Speech Center

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Andrey B. Greenwald, M.S., CCC-SLP, dba Boca Speech Center

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

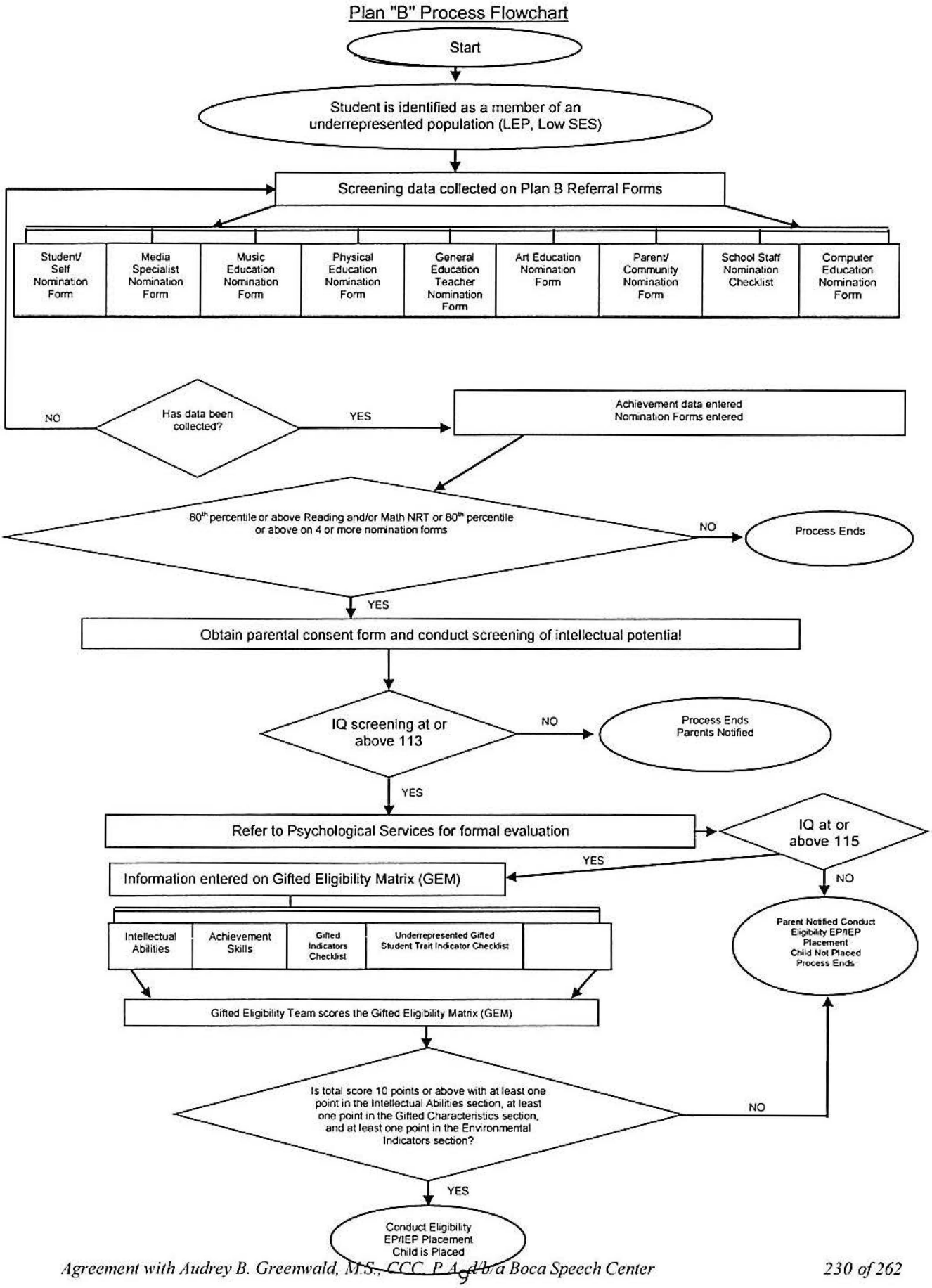
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading **or** mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes____No
(C)	General Education Teacher	_____	10	(8)	_____Yes____No
(D)	School Staff	_____	10	(8)	_____Yes____No
(E)	Media Specialist	_____	10	(8)	_____Yes____No
(F)	Computer Education	_____	10	(8)	_____Yes____No
(G)	Physical Education	_____	10	(8)	_____Yes____No
(H)	Art Education	_____	10	(8)	_____Yes____No
(I)	Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) Student from a low SES* family (1 pt) Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	**Yes** _____ _____ _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score			

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

AUDREY B. GREENWALD, M.S., CCC, P.A.
D/B/A BOCA SPEECH CENTER
(hereinafter referred to as "Business Associate"),
whose principal place of business is
160 NW 4th Street
Boca Raton, Florida 33432

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) **"*Business Associate*"** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) **"*HIPAA*"** means the Health Insurance Portability and Accountability Act of 1996.

(g) **"*HITECH Act*"** means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) **"*Individual*"** shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) *"**Minimum Necessary**"* means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) *"**Omnibus Rule**"* means the HIPAA Omnibus Rule of 2013.

(k) **"*Privacy Rule*"** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) **"*Protected Health Information*"** or **"*PHI*"** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) **"*Required by Law*"** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) **"*Secretary*"** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) *"**Security Rule**"* shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center 160 NW 4th Street Boca Raton, Florida 33432
With a Copy to:	Nichole Ben Hamo, M.S., CCC-SLP 160 NW 4th Street Boca Raton, Florida 33432

[THIS SPACE INTENTIONALLY LEFT BLANK]

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Audrey B. Greenwald, M.S., CCC, P.A. d/b/a Boca Speech Center - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:15:05 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

AUDREY B. GREENWALD, M.S., CCC, P.A.
D/B/A BOCA SPEECH CENTER

Audrey Greenwald
Signature

By: Audrey Greenwald
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 21, 2020 (*date*) by Audrey Greenwald (*name of officer or agent, title of officer or agent*) of Boca Speech Center (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 21st day of May, 2020.

My Commission Expires:

Signature – Notary Public

AVRI S. BEN-HAMO
Commission # GG 227295
Expires June 11, 2022
Bonded Thru Budget Notary Services

(SEAL)

Avri Ben-Hamo
Notary's Printed Name

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 3rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

COMMUNITY REHAB ASSOCIATES, INC.
D/B/A CRA THERAPY
(hereinafter referred to as "VENDOR"),
whose principal place of business is
3950 3rd Street North. Suite D
Saint Petersburg, Florida 33703

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 10, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Community Rehab Associates, Inc. d/b/a CRA Therapy 3950 3rd Street North, Suite D St. Petersburg, Florida 33703
With a Copy to:	Kelly McDonnell, CEO, Director of Therapy Services Community Rehab Associates, Inc. d/b/a CRA Therapy 3950 3rd Street North, Suite D St. Petersburg, Florida 33703

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County,

Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Community Rehab Associates, Inc. d/b/a CRA Therapy - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.15 11:31:57 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

COMMUNITY REHAB ASSOCIATES, INC.
D/B/A CRA THERAPY

ATTEST:

By Kelly McDonnell

_____, Secretary

Print Name: Kelly McDonnell, MS. CCC-SLP

-or-

Title: CEO, Director of Therapy Services

_____
Witness

Kathryn Wechlo
_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 5/29/2020 (*date*) by Kelly McDonnell (*name of officer or agent, title of officer or agent*) of Community Rehab Associates, Inc. (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced Personally Known (*type of identification*) as identification and who ☑did/☐did not first take an oath this 29 day of May, 2020.

My Commission Expires:
October 21, 2023

Stephanie Miranda Torres
Signature – Notary Public

Stephanie Miranda Torres
Notary's Printed Name

(SEAL)

#GG 924564
Notary's Commission No.

STEPHANIE MIRANDA-TORRES
Notary Public-State of Florida
Commission # GG 924564
My Commission Expires
October 21, 2023

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall to provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency

5/28/19
Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes
○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:

    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.

    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.

    c. May not use a student's benefits under a public insurance program if that use would (any of the following):

        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.

    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:

        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.

    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:

        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

   - The determination and the reasons for that determination and
   - The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

   The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

   - Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
   - Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
   - Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

   For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

   a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

   b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

   a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

   b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

   c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

⊙ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braiiie unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward **District Contact/Title: Dr. Antoine Hickman, Executive Director** **Date Completed: February 22, 2016**

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy
206 of 262

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy 210 of 262

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

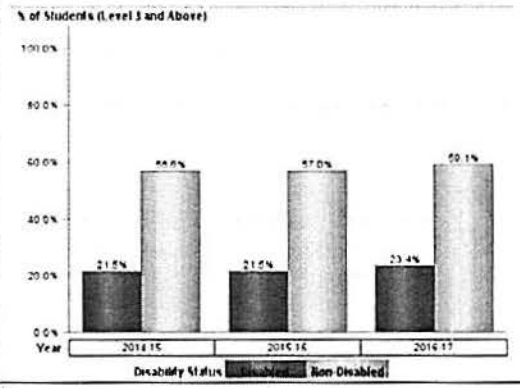
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PII
2) PA	13) PA	*25) PII
3) PM	*14) PII	26) I
*4) NY	*15) PII	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PII	18) I	*30) PII
8) PII	19) PM	
9) I	20) PII	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

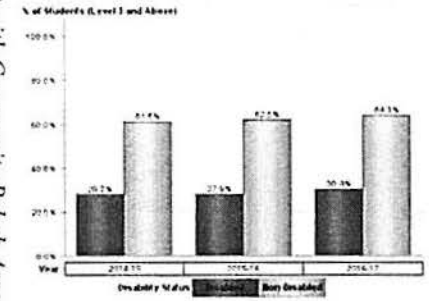
Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy
211 of 262
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Community Rehab Associates, Inc. dba CRA Therapy

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

213 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Community Rehab Associates, Inc. dba Coast Therapy

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
3. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
4. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Community Resource Associates, Inc. d/b/a CRA Therapy

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
. FIN will provide resources on Person first Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Community Rehab Associates, Inc. d/b/a Rehab Therapy

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Community Rehab Associates, Inc. d/b/a Kid Therapy

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Community Rehab Associates, Inc. d/b/a CRA Therapy

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

   a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

   b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

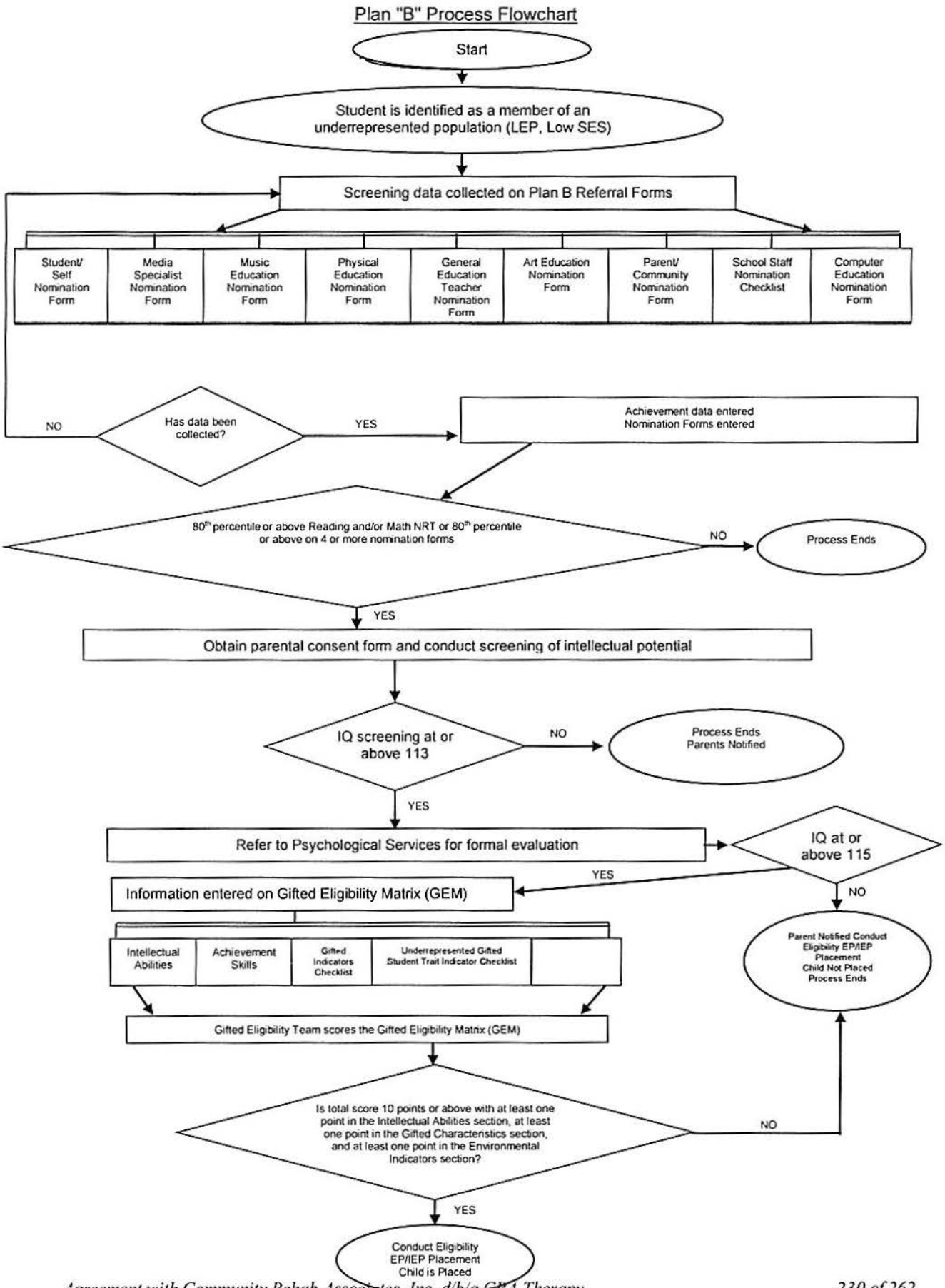
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

Exhibit 1

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

	4	3	2	1	
Intellectual Abilities Eval. Instrument: _____ Score: _____	125-127+	122-124	119-121	115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
	Yes				
Student primary language(s) other than English (1pt)	____				
Student from a low SES* family (1 pt)	____				
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	____				
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEADERSHIP	4	3	2	1	0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ **X 4 =** _____

#in O_____ **X 3 =** _____

#in S_____ **X 2 =** _____

#in R_____ **X 1 =** _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

TOTAL POINTS ON THE 4 HIGHEST AREAS = ☐

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 3rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

COMMUNITY REHAB ASSOCIATES, INC.
D/B/A CRA THERAPY
(hereinafter referred to as "Business Associate"),
whose principal place of business is
3950 3rd Street North, Suite D
Saint Petersburg, Florida 33707

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) **"*Business Associate*"** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) ***"Designated Record Set"*** has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) ***"EDI Rule"*** shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) ***"Electronic PHI"*** or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) **"*HIPAA*"** means the Health Insurance Portability and Accountability Act of 1996.

(g) **"*HITECH Act*"** means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) **"*Individual*"** shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) ***"Minimum Necessary"*** means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) ***"Omnibus Rule"*** means the HIPAA Omnibus Rule of 2013.

(k) **"*Privacy Rule*"** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) **"*Protected Health Information*"** or **"*PHI*"** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) **"*Required by Law*"** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) **"*Secretary*"** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) ***"Security Rule"*** shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) ***"Unsecured PHI"*** shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Community Rehab Associates, Inc. d/b/a CRA Therapy 3950 3rd Street North, Suite D St. Petersburg, Florida 33703
With a Copy to:	Kelly McDonnell, CEO, Director of Therapy Services Community Rehab Associates, Inc. d/b/a CRA Therapy 3950 3rd Street North, Suite D St. Petersburg, Florida 33703

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Community Rehab Associates, Inc. d/b/a CRA Therapy - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.15 11:32:22 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

COMMUNITY REHAB ASSOCIATES, INC.
D/B/A CRA THERAPY

Kelly McDonnell

Signature

By: Kelly McDonnell, MS, CCC-SLP, CEO, Director of Services
Print Name and Title

Witness

Kathryn Wechle

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 5/29/2020 (*date*) by Kelly McDonnell (*name of officer or agent, title of officer or agent*) of Community Rehab Associates, Inc. (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced Personally Known (*type of identification*) as identification and who ☑did/☐did not first take an oath this 29 day of May, 2020.

My Commission Expires:

October 21, 2023

(SEAL)

Stephanie Miranda Torres

Signature – Notary Public

Stephanie Miranda Torres

Notary's Printed Name

#GG 924564

Notary's Commission No.

STEPHANIE MIRANDA-TORRES
Notary Public-State of Florida
Commission # GG 924564
My Commission Expires
October 21, 2023

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

COMPREHENSIVE THERAPY CONSULTANTS, INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
3725 Jailette Road
College Park, Georgia 30349

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 9, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	NeShanta Wilburn, CEO Comprehensive Therapy Consultants, Inc. P.O. Box 310686 Atlanta, Georgia 31131
With a Copy to:	Comprehensive Therapy Consultants, Inc. 3725 Jailette Road Atlanta, Georgia 30349

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE IS INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Comprehensive Therapy Consultants, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 14:09:35 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

COMPREHENSIVE THERAPY CONSULTANTS, INC.

ATTEST:

NeShanta Wilbun
, Secretary

-or-

By NeShanta Wilbun

Print Name: NeShanta Wilbun

Title: CEO

Witness

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Georgia

COUNTY OF Fulton

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 29, 2020 (*date*) by NeShanta Wilbun (*name of officer or agent, title of officer or agent*) of Comprehensive Therapy Consultants (*name of corporation acknowledging*), a Georgia (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced drivers license (*type of identification*) as identification and who ☒did/☐did not first take an oath this 29th day of May, 2020.

My Commission Expires:

Signature – Notary Public

GRIFFITHS D. NDEMERA

Notary's Printed Name

(SEAL)

G D NDEMERA
Notary Public - State of Georgia
Douglas County
My Commission Expires Aug 29, 2021

8/29/21

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall to provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

⊙ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE

Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Comprehensive Therapy Consultants, Inc.

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Comprehensive Therapy Consultants, Inc.
197 of 262

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Comprehensive Therapy Consultants, Inc.
210 of 262

Exhibit 1

District FIN Services Plan (FSP)

Agreement with Comprehensive Therapy Consultants, Inc.
211 of 262

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

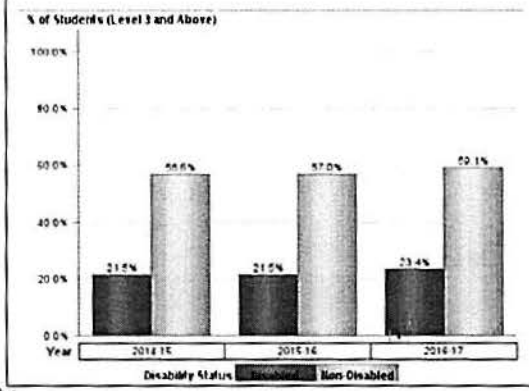
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) F
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PR	18) F	*30) PR
8) PR	19) PM	
9) F	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

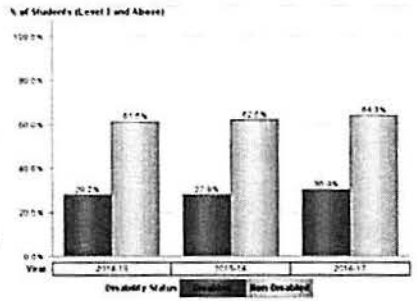
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥**79%** 2016-17: ≥**82%** 2017-18: ≥**83%** 2018-19: ≥**85%**	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ **9%** 2016-17: ≤ **8%** 2017-18: ≤ **7%** 2018-19: ≤ **6%**	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ **1.75%** 2016-17: ≤ **1.50%** 2017-18: ≤ **1.25%** 2018-19: ≤ **1%**	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Comprehensive Therapy Consultants, Inc.

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Comprehensive Therapy Consultants, Inc.

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
2. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Comprehensive Therapy Consultants, Inc.

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Comprehensive Therapy Consultants, Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

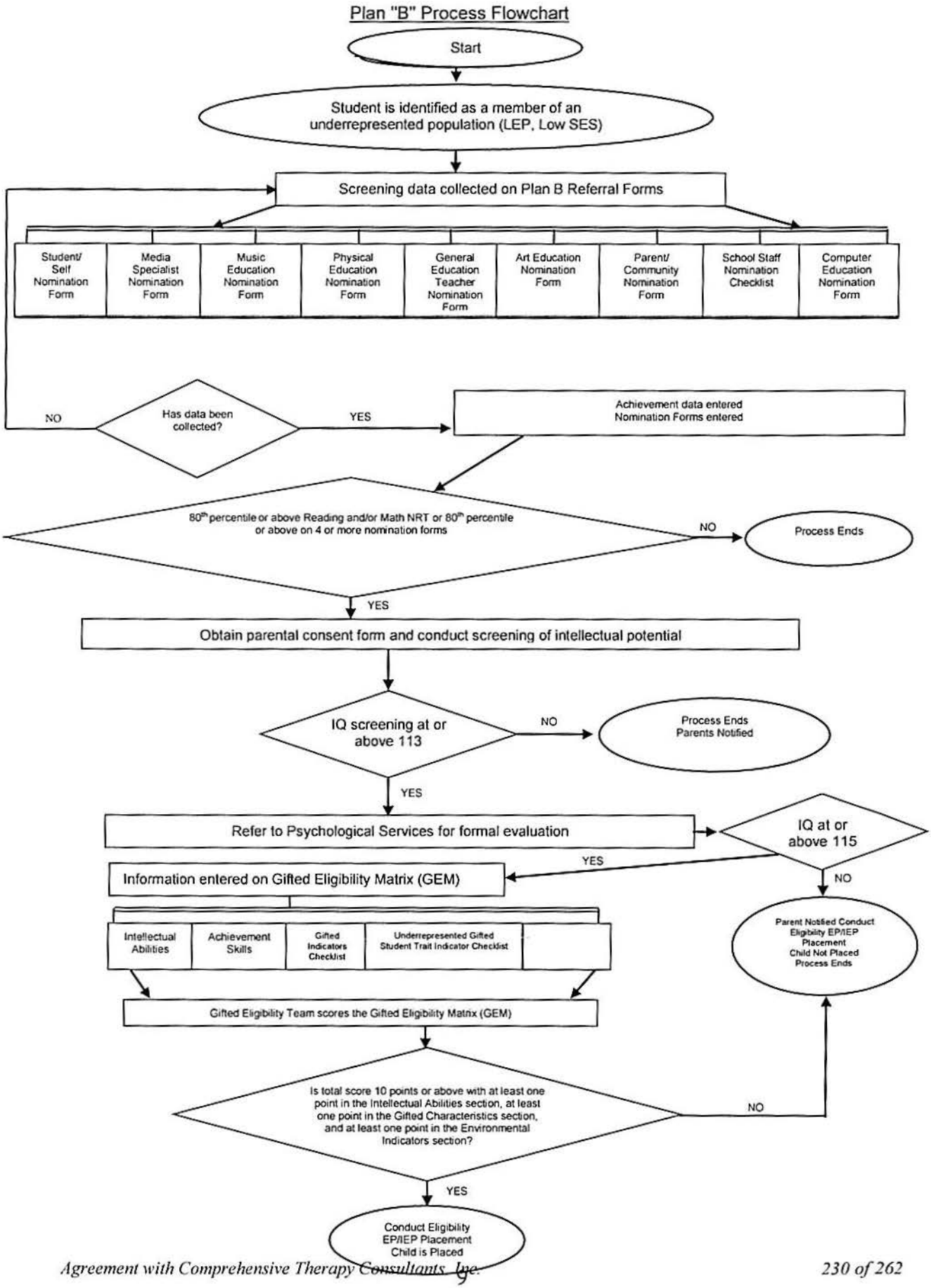
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading **or** mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

	Points Earned	**Points Possible**	**Points Needed**	**Score ≥ 80%**
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes_____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____
2. Learns quickly (e.g., grasps and applies techniques) _____
3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____
4. Is good at detailed work _____
5. Shows originality in ideas _____
6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____
7. Enjoys art; tends to expand on basic instructions _____
8. Likes to do "own thing" rather than follow instructions _____
9. Shows greater depth, more complete understanding of subject matter _____
10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____
2. Responds quickly to musical training _____
3. Displays exceptional talent with voice _____
4. Displays exceptional talent on an instrument _____
5. Plays "by ear" or sings on first or second hearing _____
6. Plays more than one instrument _____
7. Improvises or innovates on instrument and/or voice _____
8. Demonstrates sense of rhythm _____
9. Becomes absorbed in music; either performing or listening _____
10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators **Yes** Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

This student exhibits this behavior

* **The following characteristics may be observed in English or in the student's heritage language**

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 3rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

COMPREHENSIVE THERAPY CONSULTANTS, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
3725 Jailette Road
College Park, Georgia 30349

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) **"*Breach*"** has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
NeShanta Wilburn, CEO
Comprehensive Therapy Consultants, Inc.
P.O. Box 310686
Atlanta, Georgia 31131

With a Copy to:
Comprehensive Therapy Consultants, Inc.
3725 Jailette Road
Atlanta, Georgia 30349

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By_____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Comprehensive Therapy Consultants, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 14:10:07 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

COMPREHENSIVE THERAPY CONSULTANTS, INC.

NeShanta Wilburn
Signature

By: NeShanta Wilburn, CEO
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Georgia

COUNTY OF Fulton

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 29, 2020 (*date*) by NeShanta Wilburn (*name of officer or agent, title of officer or agent*) of Comprehensive Therapy Consultants (*name of corporation acknowledging*), a Georgia (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced drivers license (*type of identification*) as identification and who ☒did/☐did not first take an oath this 29th day of May, 2020.

My Commission Expires:

(SEAL)

G D NDEMERA
Notary Public - State of Georgia
Douglas County
My Commission Expires Aug 29, 2021

Signature – ~~Notary Public~~

GRIFFITS D. NDEMERA
Notary's Printed Name

8/24/21
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 3rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

CREATIVE SOLUTIONS COMPANION CARE SERVICE, "LLC"
D/B/A CREATIVE SOLUTIONS IN HOME HEALTH
(hereinafter referred to as "VENDOR"),
whose principal place of business is
524 Datura Street, Suite #109
West Palm Beach, Florida 33401

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 12, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 75/100 Cents ($58.75) per hour and a school audiologist at a rate not-to-exceed Fifty-Seven Dollars and 75/100 Cents ($57.75) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Anthony Bradford, CEO Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health 524 Datura Street, Suite #109 West Palm Beach, Florida 33401
With a Copy to:	Juliet Bradford, Vice President – Therapy Services Speech Language Pathologist, MA/CCC-SLP Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health 524 Datura Street, Suite #109 West Palm Beach, Florida 33401

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within

the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries.** The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor.** The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default.** The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination.** This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws.** Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance.** All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple original

ls, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.18 10:01:06 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

CREATIVE SOLUTIONS COMPANION CARE SERVICE, "LLC" D/B/A CREATIVE SOLUTIONS IN HOME HEALTH

ATTEST:

By Anthony Bradford

_____, Secretary

Print Name: Anthony Bradford

-or-

Title: CEO

Samuel Finley Samuel Finley

Witness

William Torres

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 05/20/2020 (*date*) by Anthony Bradford (*name of officer or agent, title of officer or agent*) of Creative Solutions (*name of corporation acknowledging*), a Agent (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced Florida DL (*type of identification*) as identification and who ☐ did/☐ did not first take an oath this 20th day of May, 2020.

My Commission Expires:

NIDA MOHAMMED
MY COMMISSION # GG 138795
EXPIRES: September 5, 2021
Bonded Thru Notary Public Underwriters

(SEAL)

Signature – Notary Public

Nida Mohammed

Notary's Printed Name

GG 138795

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement , shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- (•) The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. Schooi personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

(•) Yes
( ) No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:

    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student

    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day

    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP

    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:

    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.

    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.

    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(•) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE

Indicator Rating Tally Sheet

District: Broward **District Contact/Title: Dr. Antoine Hickman, Executive Director** **Date Completed: February 22, 2016**

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) I
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PB	18) I	*30) PB
8) PB	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

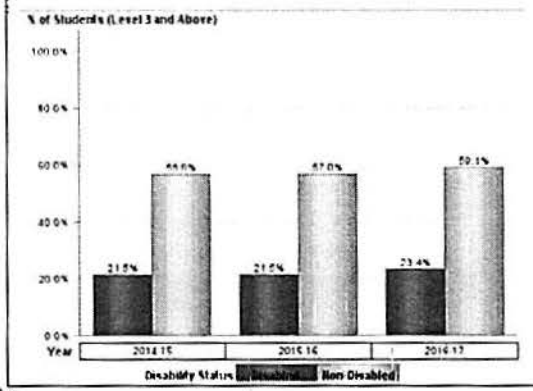
- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health

21 of 262

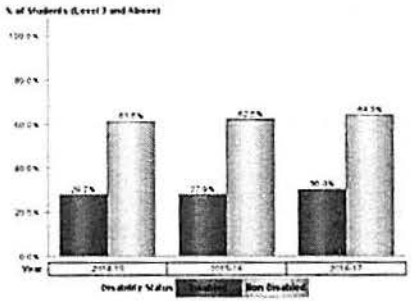
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health
214 of 262
Exhibit 1

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health
216 of 262
Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health

217 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Creative Solutions Companion Care Service, LLC d/b/a Creative Solutions In Home Health

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist

   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

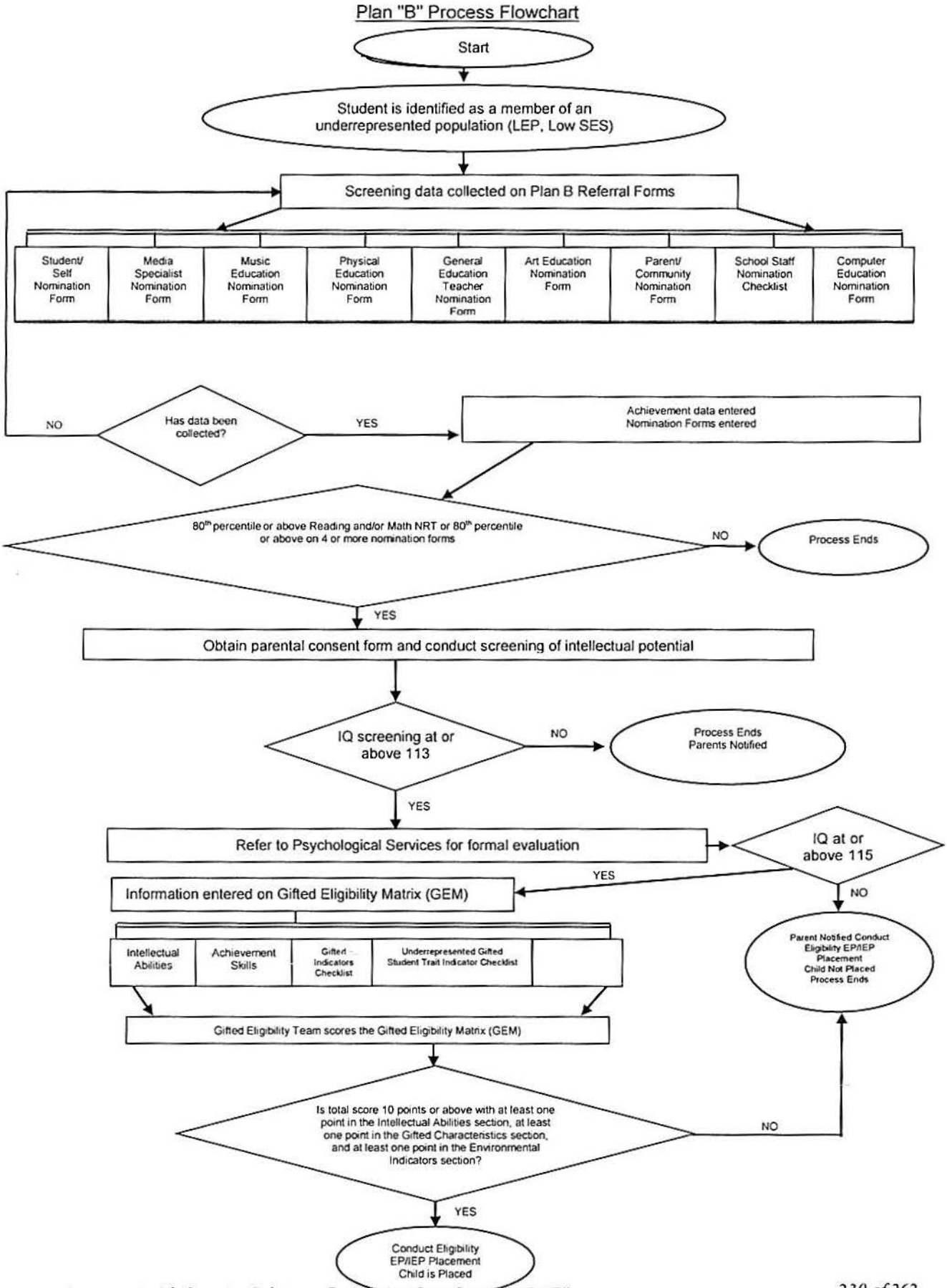
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** ____ Yes ____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: ____ Yes ____ No

   FSA level 4 or 5 in reading or mathematics: ____ Yes ____ No

3. NOMINATION FORMS

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes____No
(C)	General Education Teacher	_____	10	(8)	_____Yes____No
(D)	School Staff	_____	10	(8)	_____Yes____No
(E)	Media Specialist	_____	10	(8)	_____Yes____No
(F)	Computer Education	_____	10	(8)	_____Yes____No
(G)	Physical Education	_____	10	(8)	_____Yes____No
(H)	Art Education	_____	10	(8)	_____Yes____No
(I)	Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning ____ Yes ____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist ____ Yes ____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) Student from a low SES* family (1 pt) Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	**Yes** _____ _____ _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status				Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEADERSHIP	4	3	2	1	0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ **X 4 =** _____
#in O _____ **X 3 =** _____
#in S _____ **X 2 =** _____
#in R _____ **X 1 =** _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ **X 4 =** _____
#in O _____ **X 3 =** _____
#in S _____ **X 2 =** _____
#in R _____ **X 1 =** _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

CREATIVE SOLUTIONS COMPANION CARE SERVICE, "LLC"
D/B/A CREATIVE SOLUTIONS IN HOME HEALTH
(hereinafter referred to as "Business Associate"),
whose principal place of business is
524 Datura Street, Suite #109
West Palm Beach, Florida 33401

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) **"*Business Associate*"** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) **"*HIPAA*"** means the Health Insurance Portability and Accountability Act of 1996.

(g) **"*HITECH Act*"** means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) **"*Individual*"** shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) **"*Privacy Rule*"** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) **"*Protected Health Information*"** or **"*PHI*"** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) **"*Required by Law*"** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) **"*Secretary*"** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:

Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:

Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:

Anthony Bradford, CEO
Creative Solutions Companion Care Service, "LLC"
d/b/a Creative Solutions In Home Health
524 Datura Street, Suite #109
West Palm Beach, Florida 33401

With a Copy to:

Juliet Bradford, Vice President – Therapy Services
Speech Language Pathologist, MA/CCC-SLP
Creative Solutions Companion Care Service, "LLC"
d/b/a Creative Solutions In Home Health
524 Datura Street, Suite #109
West Palm Beach, Florida 33401

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Creative Solutions Companion Care Service, "LLC" d/b/a Creative Solutions In Home Health - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.18 10:01:42 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

CREATIVE SOLUTIONS COMPANION
CARE SERVICE, "LLC" D/B/A
CREATIVE SOLUTIONS IN HOME HEALTH

Signature

By: Anthony Bradford CEO
Print Name and Title

Samuel Finley
Witness

William Torres
Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 05/20/2020 (*date*) by Anthony Bradford (*name of officer or agent, title of officer or agent*) of Creative Solutions (*name of corporation acknowledging*), a Agent (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Florida DL (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 20th day of May, 2020.

My Commission Expires:

NIDA MOHAMMED
MY COMMISSION # GG 138795
EXPIRES: September 5, 2021
Bonded Thru Notary Public Underwriters

Signature – Notary Public

Wida Mohammed
Notary's Printed Name

(SEAL)

GG 138795
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

EBS HEALTHCARE STAFFING SERVICES, INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
200 Skiles Boulevard
West Chester, Pennsylvania 19382

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 4, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by an onsite speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars ($59.00) and 00/100 Cents per hour, and a school audiologist at a rate not-to-exceed Fifty-Five Dollars and 00/100 ($55.00) per hour. VENDOR can also provide teletherapy services at a rate not-to-exceed Fifty-Seven Dollars and 25/100 Cents ($57.25) an hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:

1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	John Gumpert, Special Education Coordinator EBS Healthcare Staffing Services, Inc. 200 Skiles Boulevard West Chester, Pennsylvania 19382

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate

immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries.** The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor.** The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default.** The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination.** This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws.** Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance.** All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue.** This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement.** This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment.** Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions.** The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability.** In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement.** The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments.** No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver.** The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: EBS Healthcare Staffing Services, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 10:09:00 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

EBS HEALTHCARE STAFFING SERVICES, INC.

ATTEST:

By _____

_____, Secretary

Print Name: John Gumpert

Title: Special Education Coordinator

-or-

_____

Witness

_____

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Pennsylvania

COUNTY OF Chester

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5/28/2020 (*date*) by John Gumpert (*name of officer or agent, title of officer or agent*) of EBS Healthcare, Inc. (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒did/☐did not first take an oath this 28th day of May, 2020.

My Commission Expires: 09/26/2022

_____
Signature – Notary Public

Raymond J Mazza
Notary's Printed Name

1227754
Notary's Commission No.

(SEAL)

Commonwealth of Pennsylvania - Notary Seal
RAYMOND J. MAZZA, Notary Public
Chester County
My Commission Expires September 26, 2022
Commission Number 1227754

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall be required to pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. approved electronic database and/or paper log. In order to ensure timely payment, VENDOR must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall to provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem-solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under any of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S., taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes
○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required.** A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

          The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school; district, and state level comparison groups

        - Rate of progress

          When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions; including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊖ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊖ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants–

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed: (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1-a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

    Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

fin

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

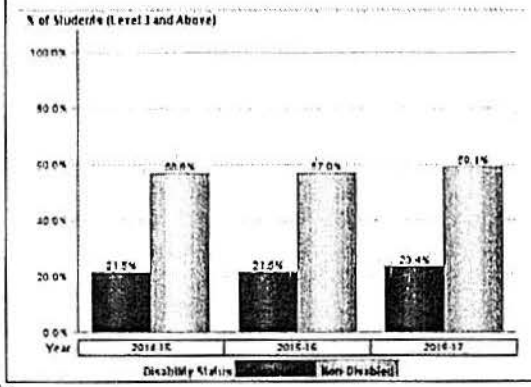
Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

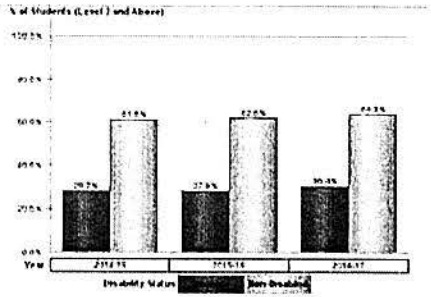
District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PD
2) PA	13) PA	*25) PD
3) PM	*14) PD	26) F
*4) NV	*15) PD	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PD	18) F	*30) PD
8) PD	19) PM	
9) F	20) PD	
10) PM	21) PM	
11) NV	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with FDLRS Healthcare Staffing Services, Inc.

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Exhibit 1

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. 25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person first Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

District BPIE Priority Indicator(s): #30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	State Strategic Plan Indicator(s): (please mark) __X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with EBS Healthcare Staffing Services, Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de-Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher_order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

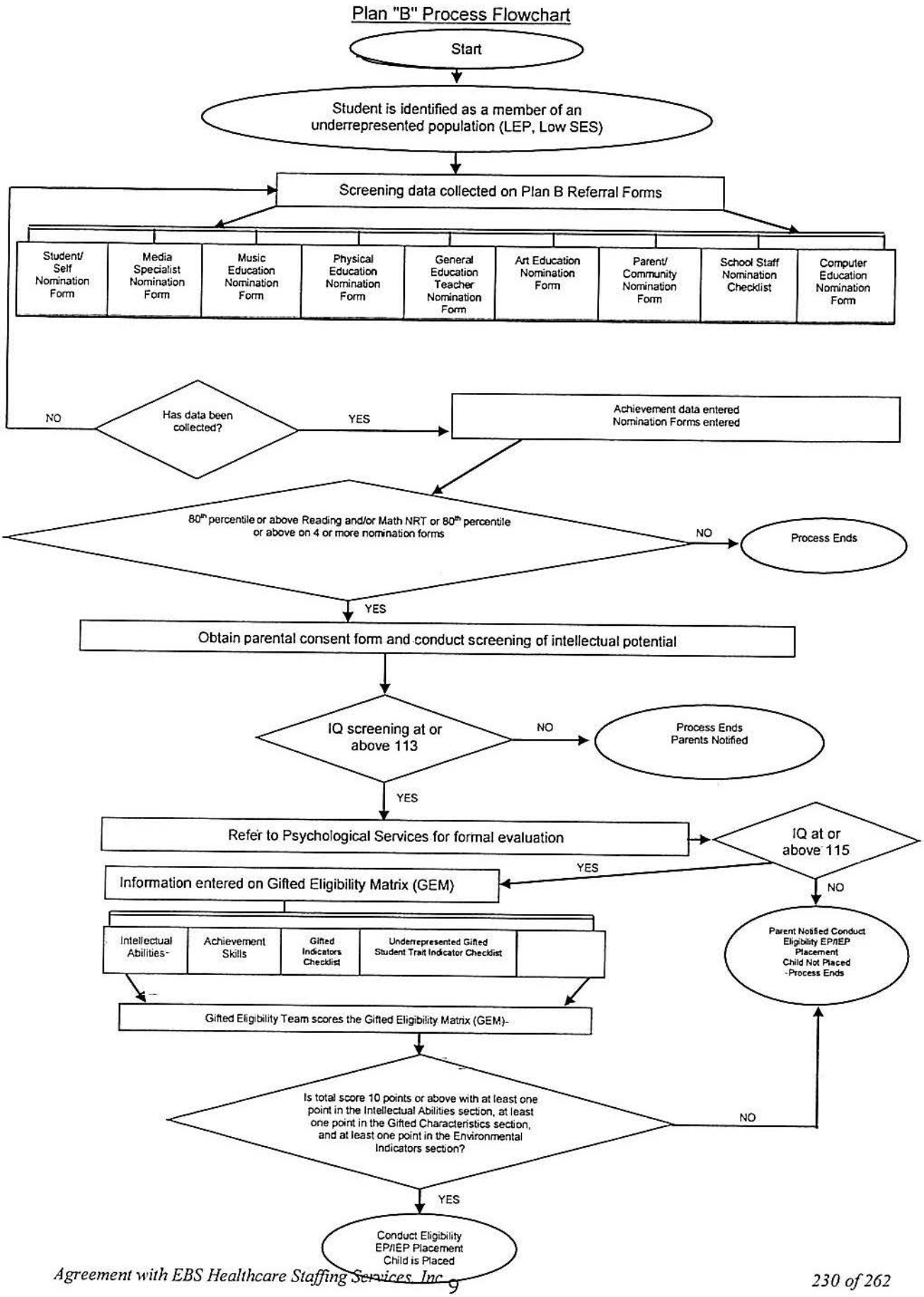
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
Information entered on Gifted Eligibility Matrix (GEM)
NO
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed -Process Ends
Intellectual Abilities-
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)-
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner Low SES Family

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth; more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Date: _____ Completed By Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

	4	3	2	1	
Intellectual Abilities Eval. Instrument: _____ Score: _____	125-127+	122-124	119-121	115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
	Yes				
Student primary language(s) other than English (1pt)	____				
Student from a low SES* family (1 pt)	____				
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	____				
				Total Score	

*Socio-economic status

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C_____ X 4 = _____
#in O_____ X 3 = _____
#in S_____ X 2 = _____
#in R_____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)-					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas-					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C_____ X 4 = _____
#in O_____ X 3 = _____
#in S_____ X 2 = _____
#in R_____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

ADAPTABILITY	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

EBS HEALTHCARE STAFFING SERVICES, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
200 Skiles Boulevard
West Chester, Pennsylvania 19382

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business-hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. **Compliance with EDI Rule.**

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. **Subsequent Legislative or Regulatory Changes.**

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. **Amendment.**

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. **Term and Termination.**

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30)-days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:

Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:

Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:

John Gumpert, Special Education Coordinator
EBS Healthcare Staffing Services, Inc.
200 Skiles Boulevard
West Chester, Pennsylvania 19382

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: EBS Healthcare Staffing Services, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 10:09:33 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

ATTACHMENT B

FOR BUSINESS ASSOCIATE

EBS HEALTHCARE STAFFING SERVICES, INC.

Signature

By: John Gumpert , Special Ed. Coordinator
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Pennsylvania

COUNTY OF Chester

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5/28/2020 (*date*) by John Gumpert (*name of officer or agent, title of officer or agent*) of EBS Healthcare, Inc. (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒did/☐did not first take an oath this 28th day of May, 2020.

My Commission Expires: 09/26/2022

(SEAL)

Commonwealth of Pennsylvania - Notary Seal
RAYMOND J. MAZZA, Notary Public
Chester County
My Commission Expires September 26, 2022
Commission Number 1227754

Signature – Notary Public

Raymond J MAZZA
Notary's Printed Name

1227754
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

EDU HEALTHCARE, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
7930 W. Kenton Circle #220
Huntersville, North Carolina 28078

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 2, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars ($59.00) and 00/100 Cents per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Matthew Lewis EDU Healthcare, LLC P.O. Box 2400 Cornelius, North Carolina 28031
With a Copy to:	Lynne Nicol EDU Healthcare, LLC 7930 W. Kenton Circle, Suite 220 Huntersville, North Carolina 28078

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: EDU Healthcare, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 15:15:51 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

EDU HEALTHCARE, LLC

ATTEST:

By _____

_____, Secretary

Print Name: _____

-or-

Title: _____

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this _____ (*date*) by _____ (*name of officer or agent, title of officer or agent*) of _____ (*name of corporation acknowledging*), a _____ (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced _____ (*type of identification*) as identification and who ☒did/☐did not first take an oath this _____ day of _____, 2020.

My Commission Expires: _____

_____
Signature – Notary Public

(SEAL)

Notary Public
Matthew Jones
Mecklenburg North Carolina
Comm# 201707300105
My Comm. Expires 04/09/2022

_____
Notary's Printed Name

_____
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident.**

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes

◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes

○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

- ○ Provide services until the day the student turns twenty-two (22)
- ○ Provide services until the end of the semester in which the student turns twenty-two (22)
- ◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

- ○ Yes
- ◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

- ◉ Yes
- ○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under any of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(•) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with EDU Healthcare, LLC

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration				
Indicator	**Implementation Status**			**Data Sources/ Supporting Evidence**
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of all students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

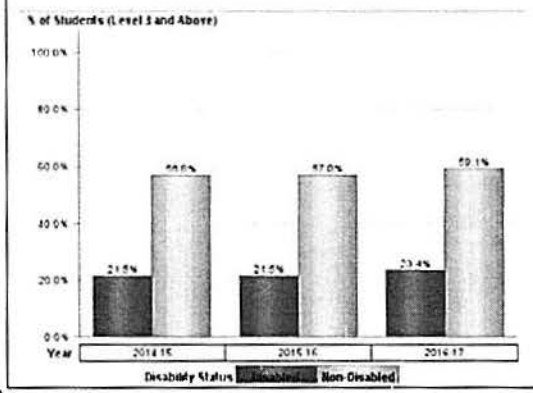
Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

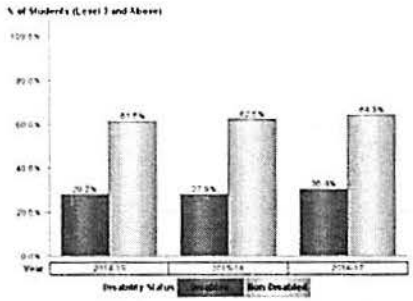
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) E
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) E
7) PB	18) E	*30) PB
8) PM	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥**79%** 2016-17: ≥**82%** 2017-18: ≥**83%** 2018-19: ≥**85%**	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ **9%** 2016-17: ≤ **8%** 2017-18: ≤ **7%** 2018-19: ≤ **6%**	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ **1.75%** 2016-17: ≤ **1.50%** 2017-18: ≤ **1.25%** 2018-19: ≤ **1%**	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with EDU Healthcare, LLC

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with EDU Healthcare, LLC

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with FLDOE Healthcare, LLC

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with EDU Healthcare, LLC
216 of 262
Exhibit 1

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District BPIE Priority Indicator(s): #24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	State Strategic Plan Indicator(s): (please mark) __X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with IDU Healthcare, LLC

District BPIE Priority Indicator(s): #30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	State Strategic Plan Indicator(s): (please mark) __X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with EMJ Healthcare, LLC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with EDU Healthcare, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

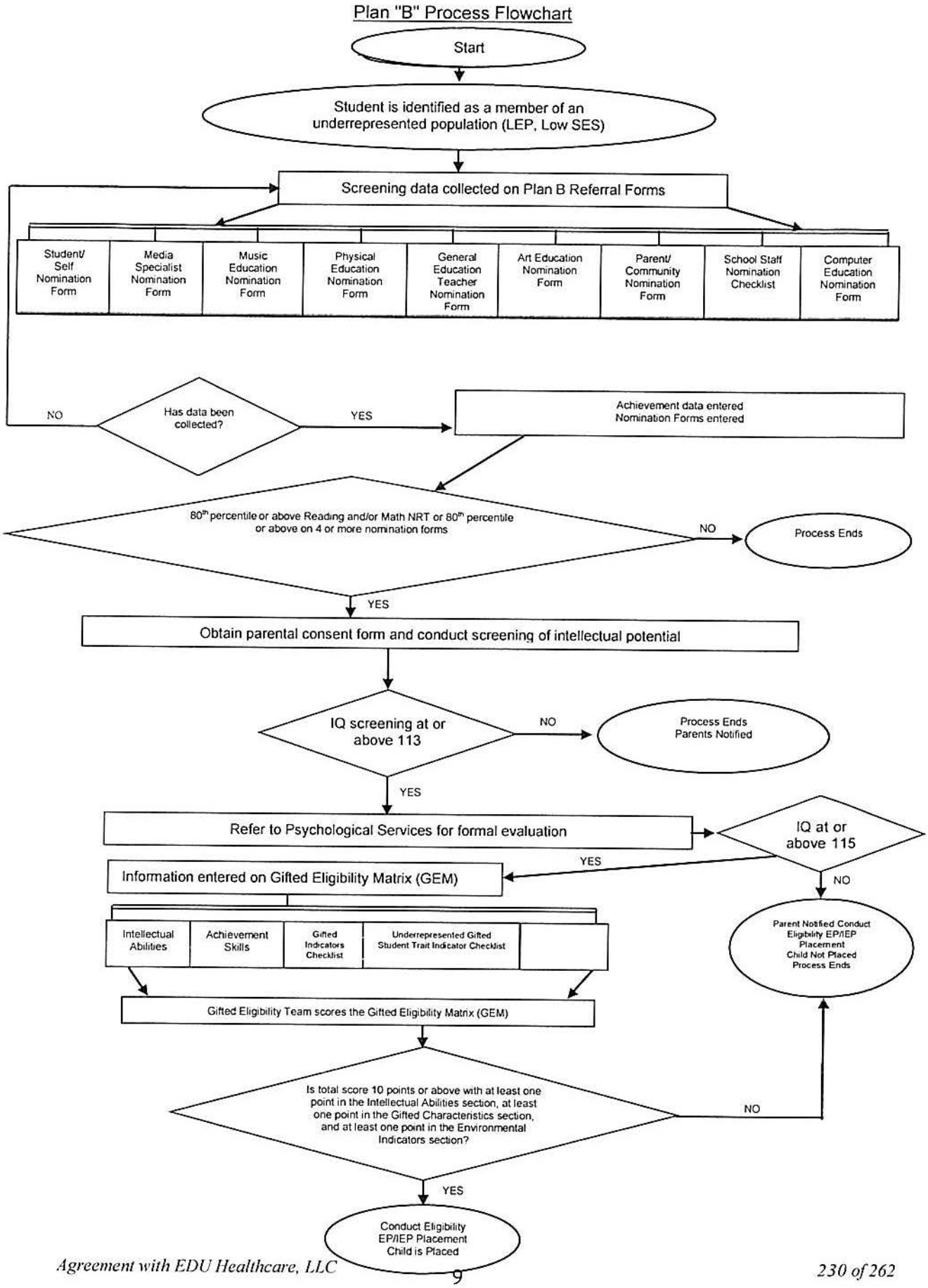
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

	Points Earned	**Points Possible**	**Points Needed**	**Score ≥ 80%**
(A) Parent/Community	_____	15	(12)	_____Yes_____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C) General Education Teacher	_____	10	(8)	_____Yes_____No
(D) School Staff	_____	10	(8)	_____Yes_____No
(E) Media Specialist	_____	10	(8)	_____Yes_____No
(F) Computer Education	_____	10	(8)	_____Yes_____No
(G) Physical Education	_____	10	(8)	_____Yes_____No
(H) Art Education	_____	10	(8)	_____Yes_____No
(I) Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____
2. Responds quickly to musical training _____
3. Displays exceptional talent with voice _____
4. Displays exceptional talent on an instrument _____
5. Plays "by ear" or sings on first or second hearing _____
6. Plays more than one instrument _____
7. Improvises or innovates on instrument and/or voice _____
8. Demonstrates sense of rhythm _____
9. Becomes absorbed in music; either performing or listening _____
10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	4 125-127+	3 122-124	2 119-121	1 115-118	Score
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	Score
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	Score
Environmental Indicators Yes Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	Score
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEADERSHIP	4	3	2	1	0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ **X 4 =** _____
#in O _____ **X 3 =** _____
#in S _____ **X 2 =** _____
#in R _____ **X 1 =** _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ **X 4 =** _____
#in O _____ **X 3 =** _____
#in S _____ **X 2 =** _____
#in R _____ **X 1 =** _____
Total Points CREATIVITY: _____

This student exhibits this behavior

ADAPTABILITY	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

EDU HEALTHCARE, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
7930 W. Kenton Circle #220
Huntersville, North Carolina 28078

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Matthew Lewis EDU Healthcare, LLC P.O. Box 2400 Cornelius, North Carolina 28031
With a Copy to:	Lynne Nicol EDU Healthcare, LLC 7930 W. Kenton Circle, Suite 220 Huntersville, North Carolina 28078

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: EDU Healthcare, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 15:16:26 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

ATTACHMENT B

FOR BUSINESS ASSOCIATE

EDU HEALTHCARE, LLC

Signature

By: Matthew Lewis VP

Print Name and Title

Witness Tiffany Marie Vargas

Witness John Navena

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF North Carolina

COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 2 2020 (*date*) by Matthew Lewis VP (*name of officer or agent, title of officer or agent*) of EDU Healthcare (*name of corporation acknowledging*), a NC (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Driver's License (*type of identification*) as identification and who ☒did/☐did not first take an oath this 2 day of June, 2020.

My Commission Expires: 04/09/2022

Signature – Notary Public

Matthew Jones

Notary's Printed Name

(SEAL) Notary Public Matthew Jones Mecklenburg North Carolina Comm# 201707300105 My Comm. Expires 04/09/2022

201707300105

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

THE EXECU/SEARCH GROUP, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
675 Third Avenue, 5th Floor
New York, New York 10017

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 6, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Kyle Mattice, President – Healthcare The Execu/Search Group, LLC 675 Third Avenue, 5th Floor New York, New York 10017
With a Copy to:	Jason Niad, Vice President – Healthcare The Execu/Search Group, LLC 301 Yamato Road, Suite 1100 Boca Raton, Florida 33431

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards

established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or

controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: The Execu/Search Group, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 08:27:09 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

THE EXECU/SEARCH GROUP, LLC

ATTEST:

By _____

Print Name: Jason Niad

Title: VP

_____, Secretary

-or-

Witness EDWIN CALDERON

Witness MaryRose Bobilin

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 9th 2020 (*date*) by JASON NIAD, VP (*name of officer or agent, title of officer or agent*) of the EXECU/SEARCH GROUP LLC (*name of corporation acknowledging*), a DELAWARE (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced FLDL (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 9th day of JUNE, 2020.

My Commission Expires: 11/12/2021

Signature – Notary Public

ROSE-CHAM M CALDERON

Notary's Printed Name

(SEAL)

ROSE-CHAM M. CALDERON
MY COMMISSION EXPIRES NOVEMBER 12, 2021
#GG 152371
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

GG 152371

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also agrees to hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement , shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement , shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services will follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR shall that the speech-language pathologist(s) and/or audiologist(s) providing services shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. Awardee(s) shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the Awardee(s) (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall to provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall to provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- (•) The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:

    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student

    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day

    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP

    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:

    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.

    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.

    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with The Execu/Search Group, LLC

Agreement with The EcotiSearch Group, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Agreement with The Excel Search Group, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Agreement with The Excel Search Group, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Agreement with The Execu Search Group, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

201 of 262

Exhibit 1

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with The ExcelSearch Group, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with The ExcelSearch Group, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with The ExcelSearch Group, LLC

District FIN Services Plan (FSP)

Agreement with The Executive Search Group, LLC

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of all students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

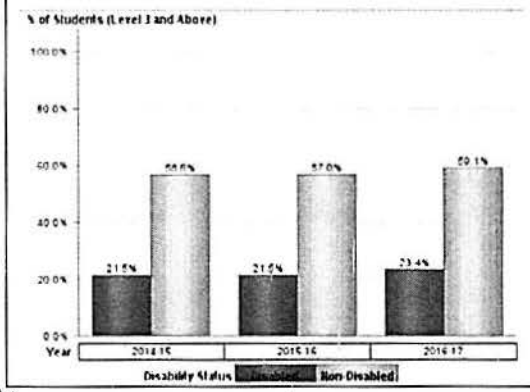
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

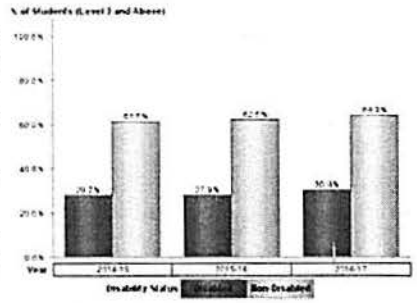
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with The Excel Search Group, LLC

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with The Exceut Search Group, LLC

213 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with The Excel Research Group, LLC

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with the Exceu/Search Group, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with The Learning/Search Group, LLC

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
2. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
3. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Palm Beach School District, FL

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with The Exceu/Search Group, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Exceu/Search Group, LLC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with The Execu/Search Group, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

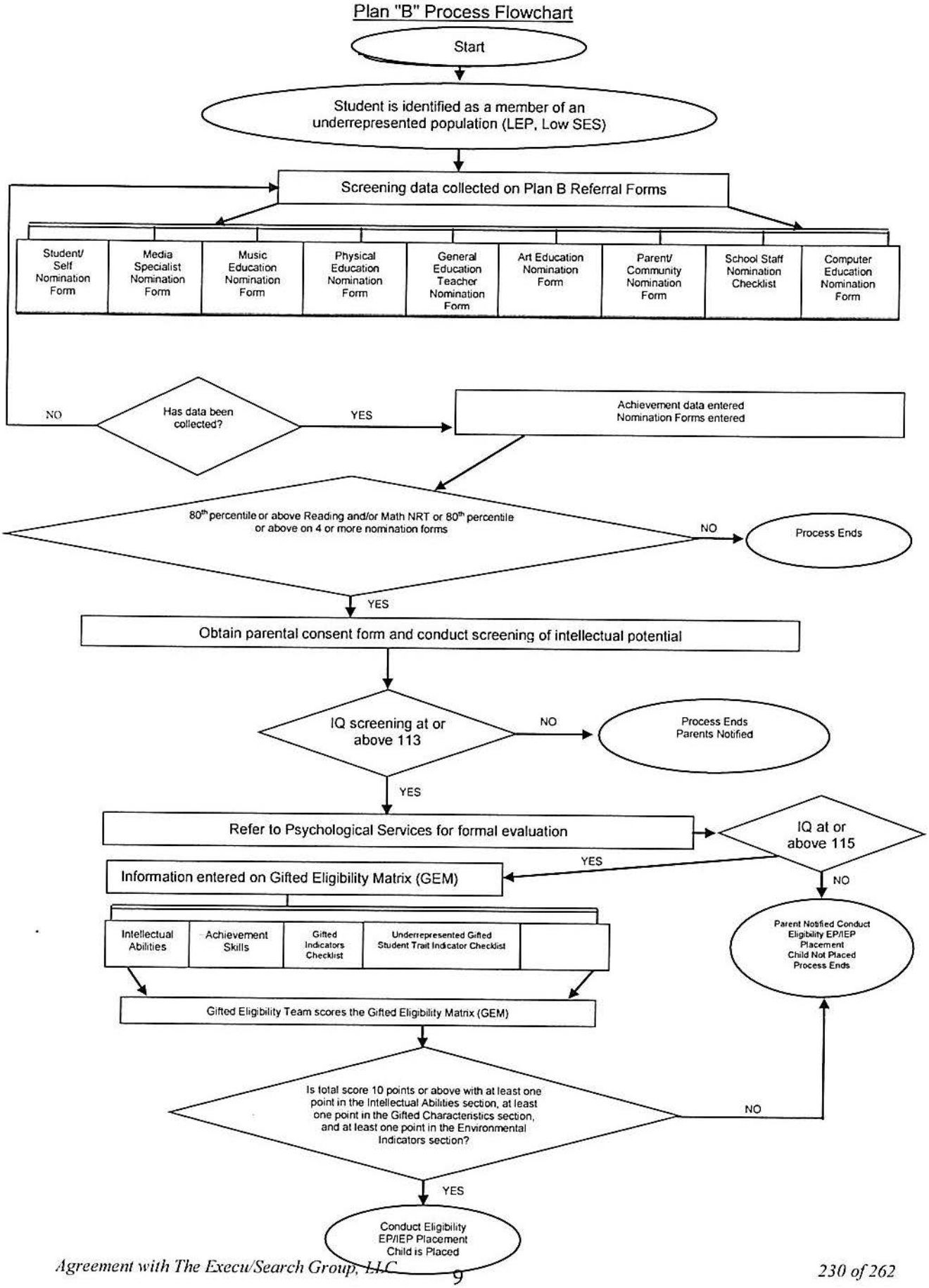
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes_____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C)	General Education Teacher	_____	10	(8)	_____Yes_____No
(D)	School Staff	_____	10	(8)	_____Yes_____No
(E)	Media Specialist	_____	10	(8)	_____Yes_____No
(F)	Computer Education	_____	10	(8)	_____Yes_____No
(G)	Physical Education	_____	10	(8)	_____Yes_____No
(H)	Art Education	_____	10	(8)	_____Yes_____No
(I)	Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____
2. Learns quickly (e.g., grasps and applies techniques) _____
3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____
4. Is good at detailed work _____
5. Shows originality in ideas _____
6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____
7. Enjoys art; tends to expand on basic instructions _____
8. Likes to do "own thing" rather than follow instructions _____
9. Shows greater depth, more complete understanding of subject matter _____
10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

	4	3	2	1	
Intellectual Abilities Eval. Instrument: _____ Score: _____	125-127+	122-124	119-121	115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
Yes Student primary language(s) other than English (1pt) Student from a low SES* family (1 pt) Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)					

*Socio-economic status

Total Score

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

TOTAL POINTS ON THE 4 HIGHEST AREAS = ☐

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 3rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

THE EXECU/SEARCH GROUP, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
675 Third Avenue, 5th Floor
New York, New York 10017

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. **Compliance with EDI Rule.**

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. **Subsequent Legislative or Regulatory Changes.**

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. **Amendment.**

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. **Term and Termination.**

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Kyle Mattice, President – Healthcare The Execu/Search Group, LLC 675 Third Avenue, 5th Floor New York, New York 10017
With a Copy to:	Jason Niad, Vice President – Healthcare The Execu/Search Group, LLC 301 Yamato Road, Suite 1100 Boca Raton, Florida 33431

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: The Execu/Search Group, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 08:28:21 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

THE EXECU/SEARCH GROUP, LLC

Signature

By: Jason Niad - VP
Print Name and Title

Witness

Witness MaryRose Bosilin

The Following Notarization is Required for this Agreement

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 9th 2020 (*date*) by JASON NIAD VP (*name of officer or agent, title of officer or agent*) of The EXECU/SEARCH GROUP LLC (*name of corporation acknowledging*), a DELAWARE (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced FLDL (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 9th day of JUNE, 2020.

My Commission Expires: 11/12/2021

Signature – Notary Public

ROSE-CHAM M CALDERON
Notary's Printed Name

(SEAL)

ROSE-CHAM M. CALDERON
MY COMMISSION EXPIRES
NOVEMBER 12, 2021
#GG 152371
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

GG-152371
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida33301

and

GLOBAL SPEECH AND REHAB SERVICES, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
520 NW 165th Street, Suite 205
Miami, Florida 33169

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 4, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda,and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologistat a rate not-to-exceed Fifty-Seven Dollars and 25/100 Cents($57.25) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBCDisclosure ofEducation Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:

1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDORshall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education recordsby telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDORshall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **AttachmentB**.PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR'sRecords by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR'srecords from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC byVENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Hasina Echoles, M.S. CCC-SLP Global Speech and Rehab Services, LLC 520 NW 165th Street, Suite 205 Miami, Florida 33169
With a Copy to:	Monica Hall, Office Manager Global Speech and Rehab Services, LLC 520 NW 165th Street, Suite 205 Miami, Florida 33169

2.10 **Background Screening.**VENDORshall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDORor its personnel, providing any services under the conditions described in the previous sentence. VENDORshall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints

provided with respect to VENDORand its personnel. The parties agree that the failure of VENDORto perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement.VENDORagrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting fromVENDOR'sfailure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDORshall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDORshall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDORshall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDORdoes not transfer the public records to SBBC. Upon completion of the Agreement, VENDORshall transfer, at no cost, to SBBC all public records in possession of VENDORor keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDORtransfers all public records to SBBC upon completion of the Agreement, VENDORshall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDORkeeps and maintains public records upon completion of the Agreement, VENDORshall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITSDUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM,RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC:SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDORagrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished byVENDOR, its agents, servants or employees; the equipment ofVENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDORor the negligence ofVENDOR'sagents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages,

damage to property including SBBC's property, and injury or death of any person whether employed byVENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability.VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation.VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers.The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage.Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance.VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**.Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicableor of any rights or limits to liability existing under Section 768.28, Florida Statutes.This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party

orits respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement.In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein,indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Global Speech and Rehab Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 13:09:19 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

GLOBAL SPEECH AND REHAB SERVICES, LLC

ATTEST:

, Secretary

By: Hasina Echolls

Print Name: Hasina Echolls

Title: Owner

-or-

Witness

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 20 2020 (*date*) by Hasina Echolls (*name of officer or agent, title of officer or agent*) of Global Speech and Rehab Services (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires: May 4, 2021

MONICA HALL
MY COMMISSION # GG101593
EXPIRES: May 04, 2021

(SEAL)

Signature – Notary Public

Monica Hall

Notary's Printed Name

GG 101593

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) under this Agreement providing services will follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** –Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing servicesunder this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required doshall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreementshall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s)shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment,VENDOR must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven(7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDORshall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall provide the required English Limited Learner(ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program 63

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder 64

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing 66

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed 69

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired 72

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities 76

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions 79

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized 80

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities 83

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment 85

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment 86

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury 87

Section B.12: Exceptional Education Eligibility for Students with Specific Learning Disabilities 88

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments 93

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments 97

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired 102

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service 104

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services 106

Section C: Individual Educational Plan 108

Section D: Discipline 123

Section E: Participation in State and District Assessments 131

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities 136

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years 140

Part III. Policies and Procedures for Students

Section A: Exceptional Student Education Eligibility for Students who are Gifted 147

Section B: Educational Plans for Students who are Gifted 149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities 152

Section B: John M. McKay Scholarships for Students with Disabilities Program 158

Section C: Gardiner Scholarship Program 161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- (•) The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes
○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

⊙ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibiiity

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
   A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
   A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Global Speech and Rehab Services, LLC

Agreement with Global Speech and Rehab Services, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Global Speech and Rehab Services, LLC

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

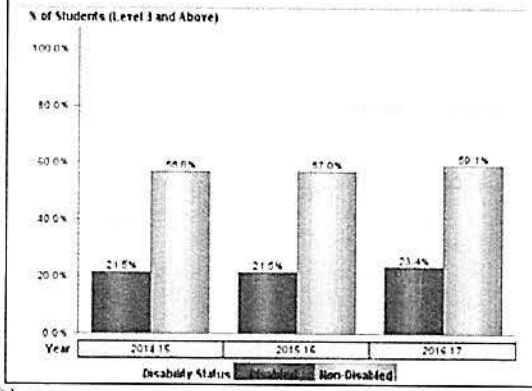
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) I
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PB	18) I	*30) PB
8) PB	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with Global Speech and Rehab Services, LLC
241 of 262

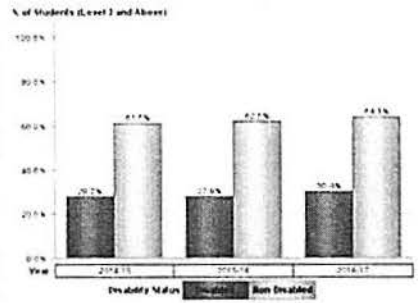
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Global Speech and Rehab Services, LLC

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Global Speech and Rehab Services, LLC

213 of 262

Exhibit 1

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Global Speech and Rehab Services, LLC

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Florida Speech and Rehab Services, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Good Speech and Rehab Services, LLC
216 of 262
Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
2. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Tribal Speech Hand Rehab Services, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Global Speech and Rehab Services, LLC

218 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Florida Speech and Rehab Services/VRC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Global Speech and Rehab Services, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

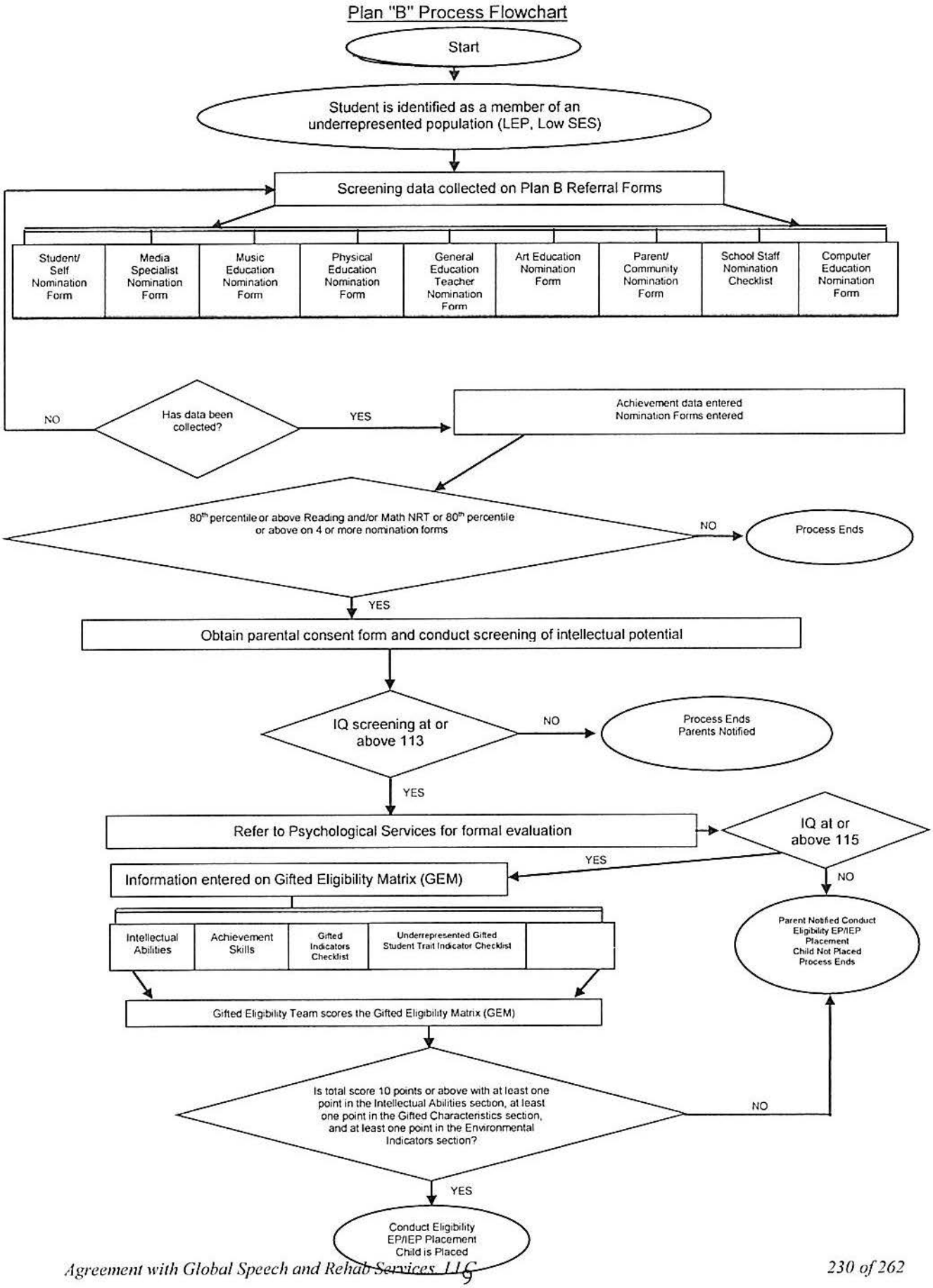
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading **or** mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes_____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C) General Education Teacher	_____	10	(8)	_____Yes_____No
(D) School Staff	_____	10	(8)	_____Yes_____No
(E) Media Specialist	_____	10	(8)	_____Yes_____No
(F) Computer Education	_____	10	(8)	_____Yes_____No
(G) Physical Education	_____	10	(8)	_____Yes_____No
(H) Art Education	_____	10	(8)	_____Yes_____No
(I) Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____	**4**	**3**	**2**	**1**	**Score**
	125-127+	122-124	119-121	115-118	
Score: _____					
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	**Yes**	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
Student primary language(s) other than English (1pt)	____					
Student from a low SES* family (1 pt)	____					
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	____					
*Socio-economic status				Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

This student exhibits this behavior

* **The following characteristics may be observed in English or in the student's heritage language**

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

ADAPTABILITY	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

LIST DOMAIN_____TOTAL POINTS = ☐

TOTAL POINTS ON THE 4 HIGHEST AREAS = ☐

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 (the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

GLOBAL SPEECH AND REHAB SERVICES, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
520 NW 165th Street, Suite 205
Miami, Florida 33169

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of suchinformation.

ARTICLE 1 – RECITALS

(b) **"*Business Associate*"** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and relatedcompanies.

(c) **"*DesignatedRecordSet*"**hasthesamemeaningastheterm"designatedrecordset"in45CFR§164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) **"*EDI Rule*"** shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I throughR.

(e) **"*Electronic PHI*"** or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) **"*HIPAA*"** means the Health Insurance Portability and Accountability Act of1996.

(g) **"*HITECH Act*"** means the Health Information Technology for Economic and ClinicalHealth Act of2009.

(h) **"*Individual*"**shallhavethesamemeaningastheterm"Individual"in45C.F.R.§160.103and shall include a person who qualifies as a personal representative in accordance with 45C.F.R.§164.502(g).

(i) *"**Minimum Necessary**"* means the least amount of PHI needed to accomplish the intended purpose of the use ordisclosure.

(j) *"**Omnibus Rule**"* means the HIPAA Omnibus Rule of2013.

(k) **"*Privacy Rule*"** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A andE.

(l) **"*Protected Health Information*"** or **"*PHI*"** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) **"*Required by Law*"** shall have the same meaning as the term "required by law" in 45 C.F.R.§164.103.

(n) **"*Secretary*"**shallmeantheSecretaryoftheDepartmentofHealthandHumanServicesorhis or her designee.

(o) *"**Security Rule**"* shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) **"*Unsecured PHI*"** shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECHAct.

TermsusedbutnotdefinedinthisAgreementshallhavethesamemeaningasthosetermsin45C.F.R.§§164.103 and 164.501 and the HITECHAct.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate RegardingPHI.

(a) BusinessAssociateagreestonotuseorfurtherdiscosePHIotherthanaspermittedorrequired by this Agreement or as Required byLaw.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECHAct.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with theHIPAASecurityRuletopreventuseordisclosureofthePHIotherthanasprovidedforby thisAgreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit Ahereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in itspossession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probabilitythatthePHIhasbeencompromised.BusinessAssociatewillprovideSBBC withdocumentationshowingtheresultsoftheRiskAssessment.TheRiskAssessment will consider at minimum the followingfactors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood ofre-identification;

    b. The unauthorized person who used the PHI or towhomthe disclosure wasmade;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has beenmitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doingso.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Floridalaw.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agreetothesamerestrictionsandconditionsthatapplytoBusinessAssociatewithrespect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor'ssubcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. §164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) BusinessAssociateagreestodocumentanyandalldisclosuresofPHIandinformationrelated to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. §164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. §164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however,thatSBBCshallnotrequestBusinessAssociatetouseordiscosePHIinanymanner that would not be permissible under the Privacy Rule if done bySBBC.

(m) BusinessAssociateagrees tomitigate,totheextentpracticable,anyandallharmfuleffectsthat areknowntoBusinessAssociateofauseordisclosureofPHI,oraBreachofUnsecuredPHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAAgenerally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it producesinaccordancewith45C.F.R.§164.520,aswellasanyandallchangestosuchnotice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the CoveredEntity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "BusinessAssociate".**

   (a) ExceptasotherwiselimitedbythisAgreement,BusinessAssociatemayuseordiscl osePHIto perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done bySBBC.

   (b) ExceptasotherwiselimitedbythisAgreement,BusinessAssociatemayusePHIfortheproper management and administration of Business Associate and to carry out the legal responsibilities of BusinessAssociate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) BusinessAssociateobtainsreasonableassurancesfromthepersontowhomtheinformationis disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has beenbreached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. §164.504(e)(2)(i)(B).

4. **Obligations of SBBC RegardingPHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to suchnotice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorizationbyanIndividualtouseordiscl osePHI,ifsuchchangesaffectBusinessAssociate's permitted or required uses anddisclosures.

   (c) SBBCshallnotifyBusinessAssociateofanyandallrestrictionstotheuseordisclosureofPHI that SBBC has agreed to in accordance with 45 C.F.R. §164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normaloperations.

5. **Security of Electronic Protected HealthInformation.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R.Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, butnotlaterthan10businessdaysfromthedatetheBusinessAssociatebecomesawareofthe incident.

(d) SBBCagreesandunderstandsthatSBBCisindependentlyresponsibleforthesecurityofePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. **Compliance with EDI Rule.**

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. **Subsequent Legislative or RegulatoryChanges.**

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. **Amendment.**

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. **Term andTermination.**

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of thisAgreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to BusinessAssociate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy allPHIreceivedfromSBBC,orcreatedorreceivedbyBusinessAssociateonbehalfofSBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, BusinessAssociateshallextendtheprotectionsofthisAgreementtosuchPHIandlimitfurther usesanddisclosuresofsuchPHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains suchPHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from saidnegligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expensesincluding,butnotlimitedto,reasonableattorney'sfees,reasonableinvestigativeand discoverycost,courtcostsandallothersumswhichSBBC,itsagents,servantsandemployees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen outoftheproducts,goods,orservicesfurnished byBusinessAssociate,itsagents,servantsor employees;theequipmentofBusinessAssociate,itsagents,servantsoremployeeswhilesuch equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims,judgments,costsandexpensesbefordamages,damagetopropertyincludingBusiness Associate's property, and injury or death of any person whether employed by Business Associate, SBBC orotherwise.

11. No Waiver of SovereignImmunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third PartyBeneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or uponanythirdpersonorentityunderthisAgreement.Thepartiesagreethattherearenothirdpartybeneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of anycontract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation ofAgreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intentandtheresultingdocumentshallnot,solelyasamatterofjudicialconstruction,beconstruedmoreseverely against one of the parties than theother.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important tothe formationofthisAgreementand,therefore,isamaterialtermhereof.Anyparty'sfailuretoenforceanyprovision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of thisAgreement.

17. Compliance withLaws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. BindingEffect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

NeitherthisAgreementnoranyinteresthereinmaybeassigned,transferredorencumberedbyanypartywitho ut the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments fromSBBC.

ATTACHMENT B

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes,orotherlabordisputes,riotorcivilcommotions,orbyreasonofanyothermatterorconditionbeyondthe control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed ForceMajeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving noticeshallremainsuchuntilitischangedbywrittennoticeincompliancewiththeprovisionsofthisparagraph. For the present, the parties designate the following as the respective places for givingnotice:

ToSBBC:	Superintendent ofSchools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida33301
With a Copyto:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Hasina Echoles, M.S. CCC-SLP Global Speech and Rehab Services, LLC 520 NW 165th Street, Suite 205 Miami, Florida 33169
With a Copy to:	Monica Hall, Office Manager Global Speech and Rehab Services, LLC 520 NW 165th Street, Suite 205 Miami, Florida 33169

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Global Speech and Rehab Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 13:09:47 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

GLOBAL SPEECH AND REHAB SERVICES, LLC

Hasina Echoles
Signature

By: Hasina Echoles, Owner
Print Name andTitle

Witness

Tristan Ferguson
Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 20, 2020 (*date*) by Hasina Echoles (*name of officer or agent, title of officer or agent*), of Global Speech and Rehab Services (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires:

MONICA HALL
MY COMMISSION # GG101593
EXPIRES: May 04, 2021
(SEAL)

Signature – Notary Public

Monica Hall
Notary's Printed Name

GG 101593
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (BusinessAssociate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of thebreach: _____

_____

Date or date range of thebreach: _____

Date of the discovery of thebreach: _____

Number of individuals affected by thebreach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disabilitycode):_____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect againstany furtherbreaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from thebreach:_____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

EmailAddress: _____

PhoneNumber: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

HEALTHPRO PEDIATRICS, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
307 International Circle, Suite 100
Hunt Valley, Maryland 21030

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 10, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Amber Rice, OTD Director of Client Services HealthPRO Pediatrics, LLC 307 International Circle, Suite 100 Hunt Valley, Maryland 21030
With a Copy to:	Amanda Parlier Vice President of Client Services HealthPRO Pediatrics, LLC 307 International Circle, Suite 100 Hunt Valley, Maryland 21030

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee

imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage

to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Healthpro Pediatrics, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 09:25:22 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

HEALTHPRO PEDIATRICS, LLC

By _____

Print Name: Amber Rice

Title: OTD, OTR/L, VP of Pediatric Strategic Development

_____, Secretary

-or-

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Colorado

COUNTY OF EL PASO

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 06/01/2020 (*date*) by Amber Rice (*name of officer or agent, title of officer or agent*) of HealthPRO Pediatrics (*name of corporation acknowledging*), a Maryland (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced Colorado Driver license (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 1 day of June, 2020.

My Commission Expires: 01/05/2021

_____
Signature – Notary Public

Rigoberto Lopez
Notary's Printed Name

(SEAL)

RIGOBERTO LOPEZ
Notary Public – State of Colorado
Notary ID 20174000542
My Commission Expires Jan 5, 2021

20174000542
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. Awardee(s) shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the Awardee(s) (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" any of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disabiiity or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

  Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

  The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

- In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

    Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

- ☐ Evaluations
- ☐ Qualified Evaluators
- ☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with HealthPRO Pediatrics, LLC

Agreement with HealthPRO Pediatrics, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Agreement with HealthPRO Pediatrics, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with HealthPRO Pediatrics, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with HealthPRO Pediatrics, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with HealthPRO Pediatrics, LLC

210 of 262

Exhibit 1

District FIN Services Plan (FSP)

Agreement with HealthPRO Pediatrics, LLC

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

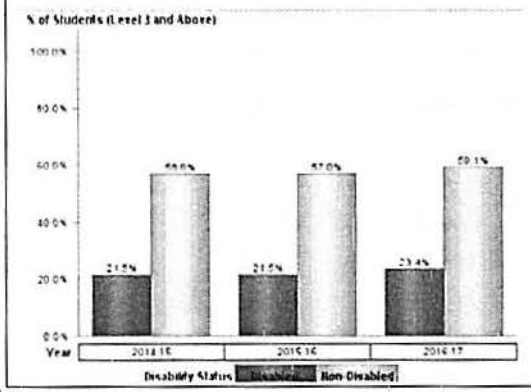
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

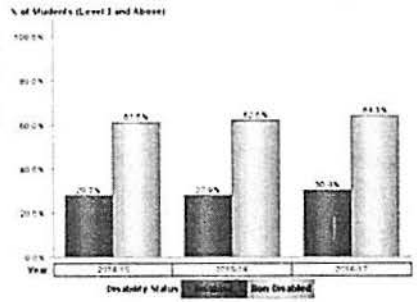
- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with HealthPRO Pediatrics, LLC

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with HealthPRO Pediatrics, LLC

213 of 262

Exhibit 1

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Document with Healthy Children Pediatrics, LLC

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with EdPRO Pediatrics, LLC

215 of 262

Exhibit 1

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with HealthPRO Pediatrics, LLC

216 of 262

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

Agreement with Health PRO Pediatrics, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step,)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with HealthPRO Pediatrics, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with HealthPRO Pediatrics, LLC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with HealthPRO Pediatrics, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

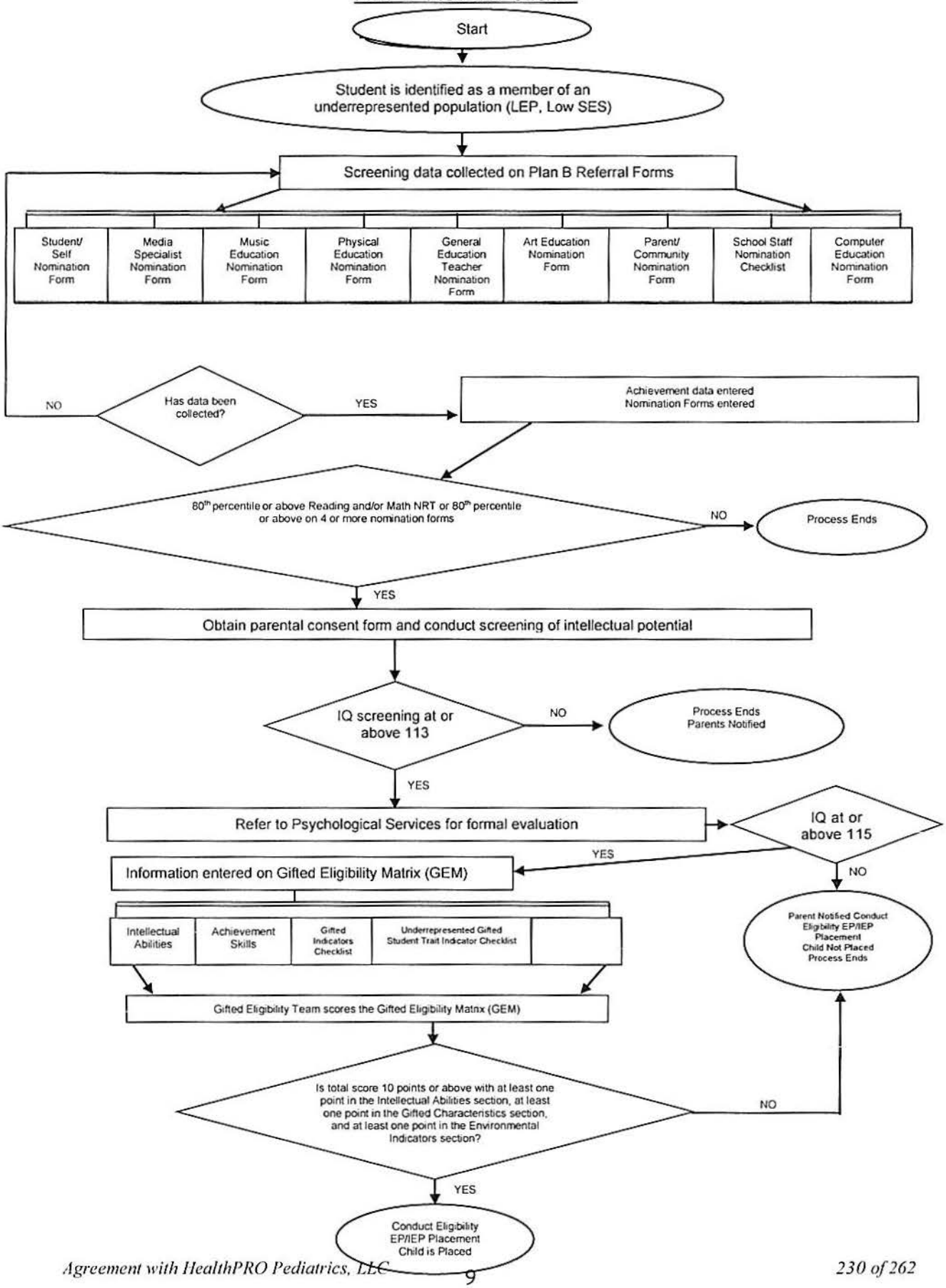
2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.

Plan "B" Process Flowchart



Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading **or** mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Yes Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

HEALTHPRO PEDIATRICS, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
307 International Circle, Suite 100
Hunt Valley, Maryland 21030

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:

Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:

Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:

Amber Rice, OTD
Director of Client Services
HealthPRO Pediatrics, LLC
307 International Circle, Suite 100
Hunt Valley, Maryland 21030

With a Copy to:

Amanda Parlier
Vice President of Client Services
HealthPRO Pediatrics, LLC
307 International Circle, Suite 100
Hunt Valley, Maryland 21030

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Healthpro Pediatrics, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 09:25:50 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

HEALTHPRO PEDIATRICS, LLC

Signature

By: Amber Rice, OTD, OTR/L, VP of Pediatric Strategic Development
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Colorado

COUNTY OF EL PASO

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 06/01/2020 (*date*) by Amber Rice (*name of officer or agent, title of officer or agent*) of HealthPRO Pediatrics (*name of corporation acknowledging*), a Maryland (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced Colorado Driver License (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 1 day of June, 2020.

My Commission Expires: 01/05/2021

Signature – Notary Public

RIGOBERTO LOPEZ
Notary Public - State of Colorado
Notary ID 20174000542
My Commission Expires Jan 5, 2021

(SEAL)

Rigoberto Lopez
Notary's Printed Name

20174000542
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

INNOVATIVE EMPLOYEE SOLUTIONS, INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
9665 Granite Ridge Drive, Suite 420
San Diego, California 92123

and

PRINCETON STAFFING SOLUTIONS LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
301 Yamato Road, Suite 1240
Boca Raton, Florida, 33431

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC (hereinafter collectively referred to as "VENDOR") offered a proposal dated November 25, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the

Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services**.

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine dollars amd 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes

7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records**.

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Sandra De Ferari Innovative Employee Solutions, Inc. 9665 Granite Ridge Drive, Suite 420 San Diego, California 92123

To VENDOR: Adam Shuman, Director of Marketing
Princeton Staffing Solutions, LLC
301 Yamato Road, Suite 1240
Boca Raton, Florida 33431

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision.

A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.18 07:13:12 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

INNOVATIVE EMPLOYEE SOLUTIONS, INC.

By sandra de ferari

_____, Secretary

Print Name: Sandra De Ferari

-or-

Title: Rec Svc Mgr

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ (*date*) by _____(*name of officer or agent, title of officer or agent*) of _____ (*name of corporation acknowledging*), a _____ (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced _____ (*type of identification*) as identification and who ☐did/☐did not first take an oath this _____ day of _____, 2020.

My Commission Expires:

See Attached
Signature – Notary Public

_____
Notary's Printed Name

(SEAL)

_____
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of SAN DIEGO } S.S.

On JUNE 17, 2020 before me, CHINNY C TRAN, NOTARY PUBLIC,
(Name of Notary Public)

personally appeared SANDRA DE FERARI
(Name of Signer)

(Name of Signer)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

CHINNY C. TRAN
COMM. #2299861
Notary Public · California
San Diego County
My Comm. Expires Aug. 2, 2023

WITNESS my hand and official seal.

Chinny C. Tran
(Signature of Notary Public)

(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Vendor

_____,

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
(Title)

_____

- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____
(Name of Person(s) or Entity(ies))

_____

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

FOR VENDOR:

(Corporate Seal)

PRINCETON STAFFING SOLUTIONS LLC

ATTEST:

By [signature]

Print Name: Adam Shuman

Title: Director of Marketing

_____, Secretary

-or-

[signature]
Witness

[signature]
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 15, 2020 (*date*) by Adam Shuman (*name of officer or agent, title of officer or agent*) of Princeton Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Drivers License (*type of identification*) as identification and who ☐did/☑did not first take an oath this 15th day of June, 2020.

My Commission Expires: Feb. 14, 2023

[signature]
Signature – Notary Public

Hayley Lombard
Notary's Printed Name

(SEAL)

HAYLEY LOMBARD
Notary Public - State of Florida
Commission # GG 301898
My Comm. Expires Feb 14, 2023

GG301898
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall to hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident.**

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

- In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

    The district ensures that the IEP team:

    a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

    b. Revises the IEP as appropriate to address:

        - Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
        - Results of any reevaluation conducted
        - Information about the student provided to or by the parents
        - The student's anticipated needs or other matters
        - Consideration of the factors described earlier in subsection 7

    c. Responds to a parent's right to ask for revision of the student's IEP

    d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

    Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

    a. Changes to the postsecondary or career goals; and,

    b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's iEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Innovative Employee Solutions, Inc. and Function Staffing Solutions, LLC

197 of 266

Exhibit 1

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC 211 of 266

District FIN Services Plan (FSP)

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions, LLC

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

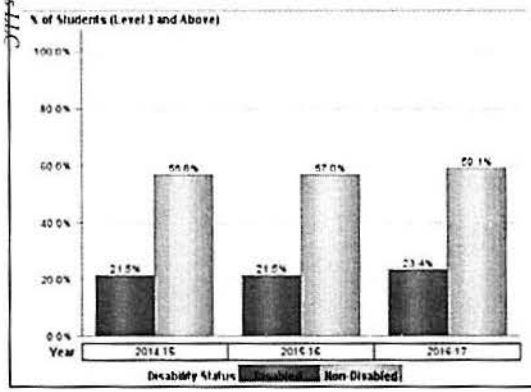
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) I
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PB	18) I	*30) PB
8) PB	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

212 of 266

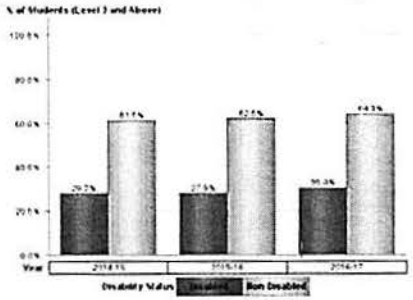
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions, LLC

214 of 266

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Developed with Innovative Educational Solutions, Inc. and Princeton Staffing Solutions, LLC

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Innovative Employee Solutions, Inc. and Tributary Staffing Solutions, LLC

216 of 266

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Services, LLC.

217 of 266

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Innovative Employee Solutions, Inc. and Education Staffing Solutions, LLC

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Innovative Employee Solutions, Inc. and Instructional Employee Solutions LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Innovative Employee Solutions, Inc. and Procedural Safeguards Notice CC

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

221 of 266

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

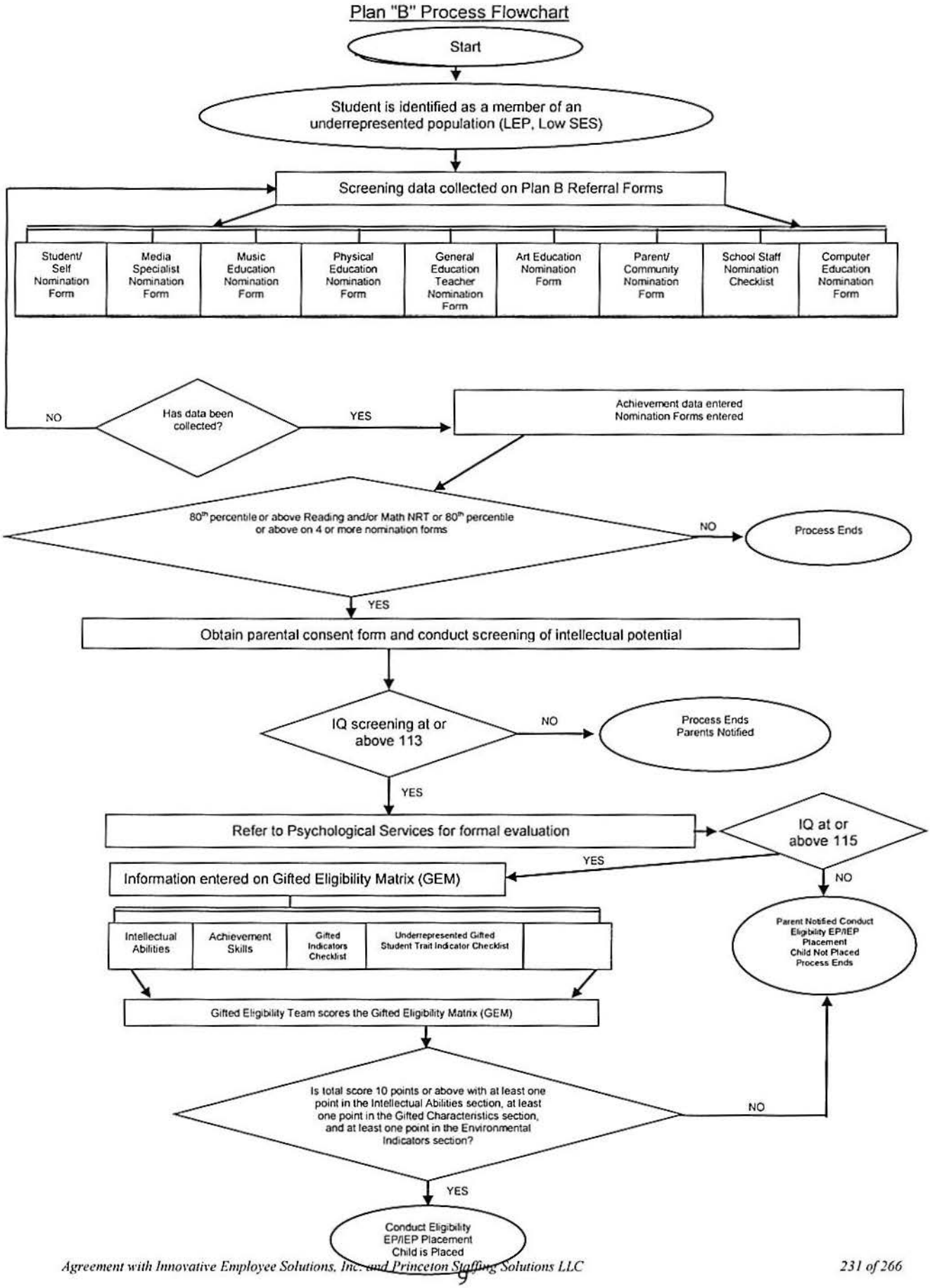
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes____No
(C)	General Education Teacher	_____	10	(8)	_____Yes____No
(D)	School Staff	_____	10	(8)	_____Yes____No
(E)	Media Specialist	_____	10	(8)	_____Yes____No
(F)	Computer Education	_____	10	(8)	_____Yes____No
(G)	Physical Education	_____	10	(8)	_____Yes____No
(H)	Art Education	_____	10	(8)	_____Yes____No
(I)	Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

	4	3	2	1	
Intellectual Abilities Eval. Instrument: _____ Score: _____	125-127+	122-124	119-121	115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
	Yes				
Student primary language(s) other than English (1pt)					
Student from a low SES* family (1 pt)					
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)					
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* The following characteristics may be observed in English or in the student's heritage language

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the
State of Florida, whose principal place of
business is
600 Southeast Third Avenue, Fort Lauderdale,
Florida 33301

and

INNOVATIVE EMPLOYEE SOLUTIONS, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
9665 Granite Ridge Drive, Suite 420
San Diego, California 92123

and

PRINCETON STAFFING SOLUTIONS LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
301 Yamato Road, Suite 1240
Boca Raton, Florida, 33431

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

   (b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

   (c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

   (d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

   (e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

   (f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

   (g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

   (h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) *"Minimum Necessary"* means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) *"Omnibus Rule"* means the HIPAA Omnibus Rule of 2013.

(k) ***"Privacy Rule"*** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) ***"Protected Health Information"*** or ***"PHI"*** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) ***"Required by Law"*** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) ***"Secretary"*** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) *"Security Rule"* shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) *"Unsecured PHI"* shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any

impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies,

books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

(a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

(b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

(c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

(d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

(a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

(b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

(c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

(d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

(a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. **Compliance with EDI Rule.**

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. **Subsequent Legislative or Regulatory Changes.**

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. **Amendment.**

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. **Term and Termination.**

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) ***Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of

Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

ARTICLE 3 – GENERAL CONDITIONS

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Sandra De Ferari Innovative Employee Solutions, Inc. 9665 Granite Ridge Drive, Suite 420 San Diego, California 92123
To Business Associate:	Adam Shuman, Director of Marketing Princeton Staffing Solutions, LLC 301 Yamato Road, Suite 1240 Boca Raton, Florida 33431

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. **Authority.**

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. **No Waiver of Rights, Powers and Remedies.**

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. **Regulatory References.**

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. **Governing Law.**

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. **Entire Agreement.**

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Innovative Employee Solutions, Inc. and Princeton Staffing Solutions LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.18 07:13:50 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

INNOVATIVE EMPLOYEE SOLUTIONS, INC.

_____ By: Sandra De Ferari,Rec Svc Mgr

Signature Print Name and Title



Witness



Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ (*date*) by _____(*name of officer or agent, title of officer or agent*) of _____ (*name of corporation acknowledging*), a _____ (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced _____ (*type of identification*) as identification and who ☐did/☐did not first take an oath this _____ day of _____, 2020.

My Commission Expires:

See Attached
Signature – Notary Public

_____
Notary's Printed Name

(SEAL)

_____
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego **S.S.**

On June 17, 2020 before me, Chinny C. Tran, Notary Public,

personally appeared Sandra De Ferari

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

CHINNY C. TRAN
COMM. #2299861
Notary Public - California
San Diego County
My Comm. Expires Aug. 2, 2023

WITNESS my hand and official seal.

Chinny C. Tran

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____,

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
- ☐ Attorney-in-fact
- ☐ Corporate Officer(s) _____
- ☐ Guardian/Conservator
- ☐ Partner - Limited/General
- ☐ Trustee(s)
- ☐ Other: _____

representing: _____

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer ☐ Signer(s) Thumbprints(s)

☐ _____

FOR BUSINESS ASSOCIATE

PRINCETON STAFFING SOLUTIONS LLC

Signature

By: Adam Shuman - Dir. of Marketing
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 15, 2020 (*date*) by Adam Shuman (*name of officer or agent, title of officer or agent*) of Princeton Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☐ personally known to me or has produced Drivers License (*type of identification*) as identification and who ☐did/☐did not first take an oath this 15th day of June, 2020.

My Commission Expires: Feb. 14, 2023

Signature – Notary Public

Hayley Lombard
Notary's Printed Name

GG 301898
Notary's Commission No.

(SEAL)

HAYLEY LOMBARD
Notary Public - State of Florida
Commission # GG 301898
My Comm. Expires Feb 14, 2023

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 3rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

INVO HEALTHCARE ASSOCIATES, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
1780 Kendarbren Drive
Jamison, Pennsylvania 18929

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 12, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice.** When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Matt Stringer, President Invo HealthCare Associates, LLC 10014 N. Dale Mabry Highway, Suite C-100 Tampa, Florida 33618
With a Copy to:	Kristen Bussenger, Senior Director Invo HealthCare Associates, LLC 10014 N. Dale Mabry Highway, Suite C-100 Tampa, Florida 33618

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties

described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of, and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Invo Healthcare Associates, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 12:33:08 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

INVO HEALTHCARE ASSOCIATES, LLC

By _____

_____, Secretary

Print Name: Matt Stringer

-or-

Title: President

Lauren Leonard
Witness

Faith Blee
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Pennsylvania

COUNTY OF Bucks

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 20, 2020 (*date*) by Matt Stringer (*name of officer or agent, title of officer or agent*) of Invo Health Care Associates (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☐ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires:

Morgan Dooley
Signature of Notary Public

(SEAL)

Commonwealth of Pennsylvania - Notary Seal
MORGAN DOOLEY - Notary Public
Bucks County
My Commission Expires Feb 22, 2024
Commission Number 1239982

Morgan Dooley
Notary's Printed Name

1239982
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shallfollow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- (•) The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Invo HealthCare Associates, LLC

Agreement with Invo HealthCare Associates, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Agreement with Inno HealthCare Associates, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Agreement with Imvo HealthCare Associates, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

201 of 262

Exhibit 1

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Invo HealthCare Associates, LLC

206 of 262

Exhibit 1

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with Invo HealthCare Associates, LLC

Agreement with Inno HealthCare Associates, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Invo HealthCare Associates, LLC

District FIN Services Plan (FSP)

Agreement with Invo HealthCare Associates, LLC

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

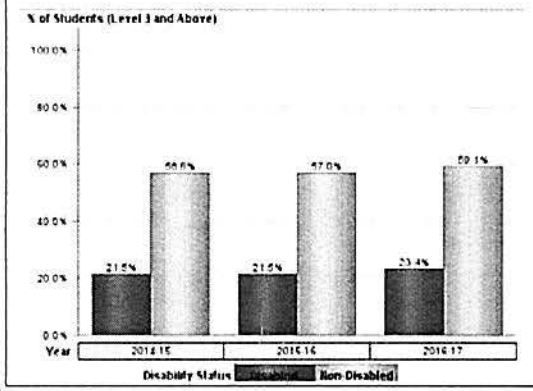
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

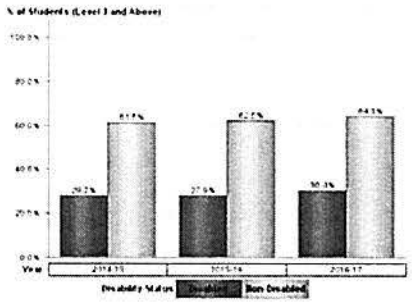
211 of 262

Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥**79%** 2016-17: ≥**82%** 2017-18: ≥**83%** 2018-19: ≥**85%**	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ **9%** 2016-17: ≤ **8%** 2017-18: ≤ **7%** 2018-19: ≤ **6%**	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ **1.75%** 2016-17: ≤ **1.50%** 2017-18: ≤ **1.25%** 2018-19: ≤ **1%**	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Inno HealthCare Associates, LLC

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Invo HealthCare Associates, LLC

213 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Invo Healthcare Associates, LLC

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Home HealthCare Associates, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with InterHealthCare Associates, LLC

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
2. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

Agreement with Tampa HealthCare Associates, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Invo HealthCare Associates, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Jo HealthCare Associates, LLC

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Invo HealthCare Associates, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

   a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

   b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

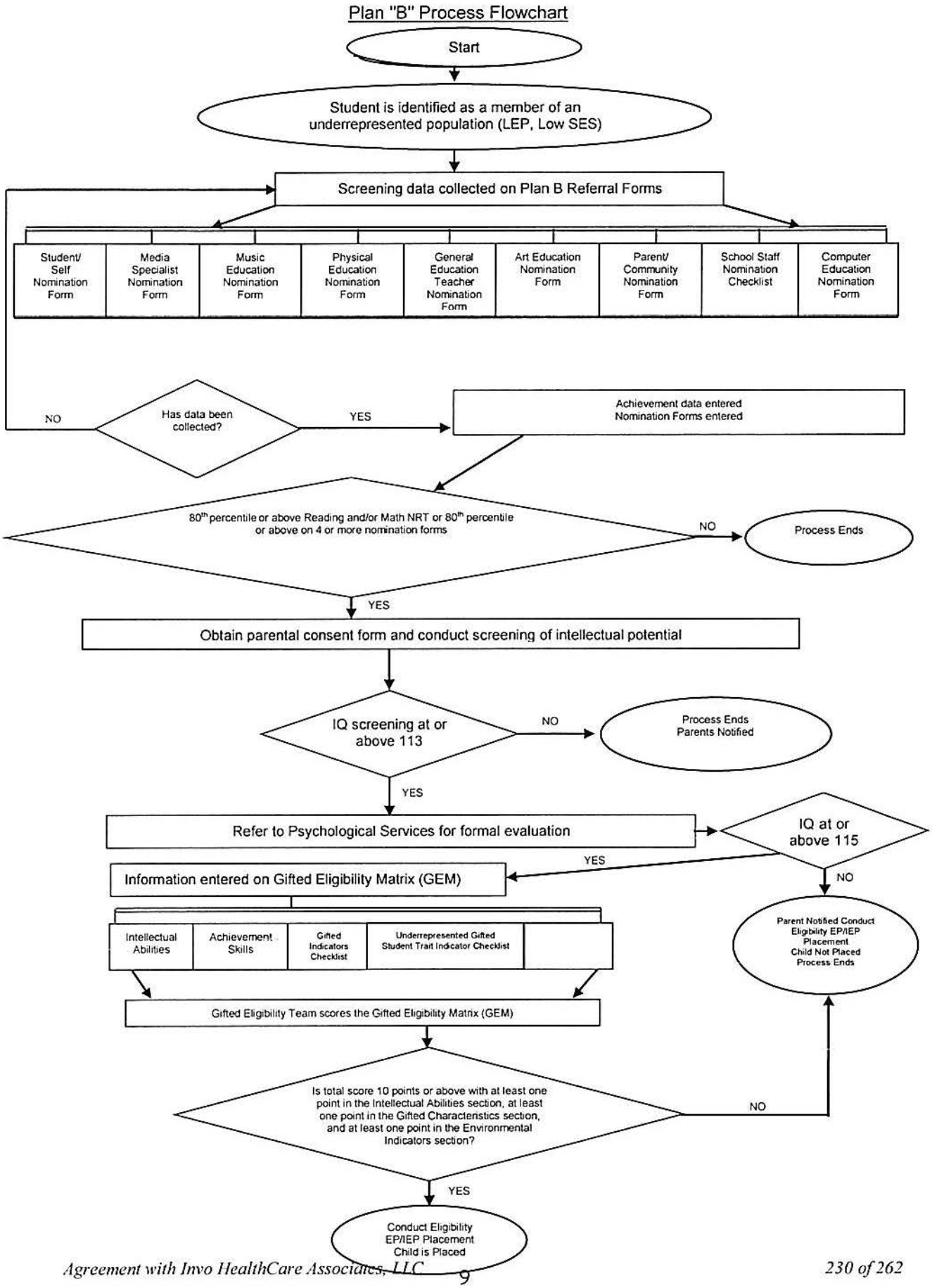
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes____No
(C)	General Education Teacher	_____	10	(8)	_____Yes____No
(D)	School Staff	_____	10	(8)	_____Yes____No
(E)	Media Specialist	_____	10	(8)	_____Yes____No
(F)	Computer Education	_____	10	(8)	_____Yes____No
(G)	Physical Education	_____	10	(8)	_____Yes____No
(H)	Art Education	_____	10	(8)	_____Yes____No
(I)	Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____	**4**	**3**	**2**	**1**	**Score**
	125-127+	122-124	119-121	115-118	
Score: _____					
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
Yes Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____					
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

INVO HEALTHCARE ASSOCIATES, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
1780 Kendarbren Drive
Jamison, Pennsylvania 18929

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. Permitted Uses and Disclosures of PHI by "Business Associate".

(a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

(b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

(c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

(d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. Obligations of SBBC Regarding PHI.

(a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

(b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

(c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

(d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. Security of Electronic Protected Health Information.

(a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To VENDOR:	Matt Stringer, President Invo HealthCare Associates, LLC 10014 N. Dale Mabry Highway, Suite C-100 Tampa, Florida 33618
With a Copy to:	Kristen Bussenger, Senior Director Invo HealthCare Associates, LLC 10014 N. Dale Mabry Highway, Suite C-100 Tampa, Florida 33618

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Invo Healthcare Associates, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 12:33:40 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

ATTACHMENT B

FOR BUSINESS ASSOCIATE

INVO HEALTHCARE ASSOCIATES, LLC

Signature

By: Matt Stringer, President
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Pennsylvania

COUNTY OF Bucks

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 20, 2020 (*date*) by Matt Stringer (*name of officer or agent, title of officer or agent*) of Invo Healthcare Associates (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires:

(SEAL)

Commonwealth of Pennsylvania - Notary Seal
MORGAN DOOLEY - Notary Public
Bucks County
My Commission Expires Feb 22, 2024
Commission Number 1239982

Signature - Notary Public

Morgan Dooley
Notary's Printed Name

1239982
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

MG THERAPY, INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
1500 Weston Road, Suite 215
Weston, Florida 33326

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 1, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Maria Eugenia Gurfinkel MG Therapy, Inc. 304 Indian Trace, Suite 324 Weston, Florida 33326
With a Copy to:	Maria Eugenia Gurfinkel 16123 Opal Creek Drive Weston, Florida 33331

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate

immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject or accept any required policies of insurance, including limits, coverage or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE IS INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: MG Therapy, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:00:44 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

MG THERAPY, INC.

By _____

_____, Secretary

Print Name: Maria Gurfinkel

-or-

Title: owner

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this June 4, 2020 (*date*) by Maria Gurfinkel (*name of officer or agent, title of officer or agent*) of MG Therapy INC. (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced G615-545-69-368-0 (DL) (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 4 day of June, 2020.

My Commission Expires: 10/25/2021

_____
Signature – Notary Public

(SEAL)

Notary Public State of Florida
Yaikel Anido
My Commission GG 154646
Expires 10/25/2021

Yaikel Anido
Notary's Printed Name

GG 154646
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES

ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

17. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

18. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training and Advocacy (META) Agreement.

19. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident.**

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes
○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required.** A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(●) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website.
http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:

    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE.

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

- A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
- The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
- Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
- A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

  Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

  The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with MG Therapy, Inc.

Agreement with MG Therapy, Inc.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Agreement with MG Therapy, Inc.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Agreement with MG Therapy, Inc.

201 of 262

Exhibit 1

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with MG Therapy, Inc.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

306 of 362

Exhibit 1

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with MG Therapy, Inc.
210 of 262

District FIN Services Plan (FSP)

Agreement with MG Therapy, Inc.

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

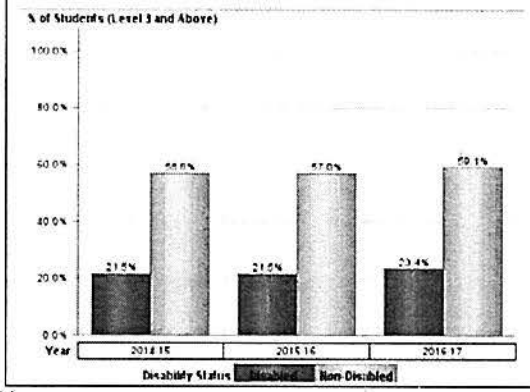
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) I
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PR	18) I	*30) PR
8) PR	19) PM	
9) I	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

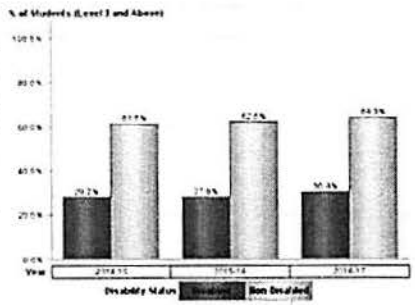
241 of 262

Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with MG Therapy, Inc.

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with MG Therapy, Inc.

313 of 362

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with MG Therapy, Inc.

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Therapy, Inc.

215 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with My Therapy, Inc.

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Miami-Dade County, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with NG Therapy, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Therapy, Inc.

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with MG Therapy, Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

   a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

   b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

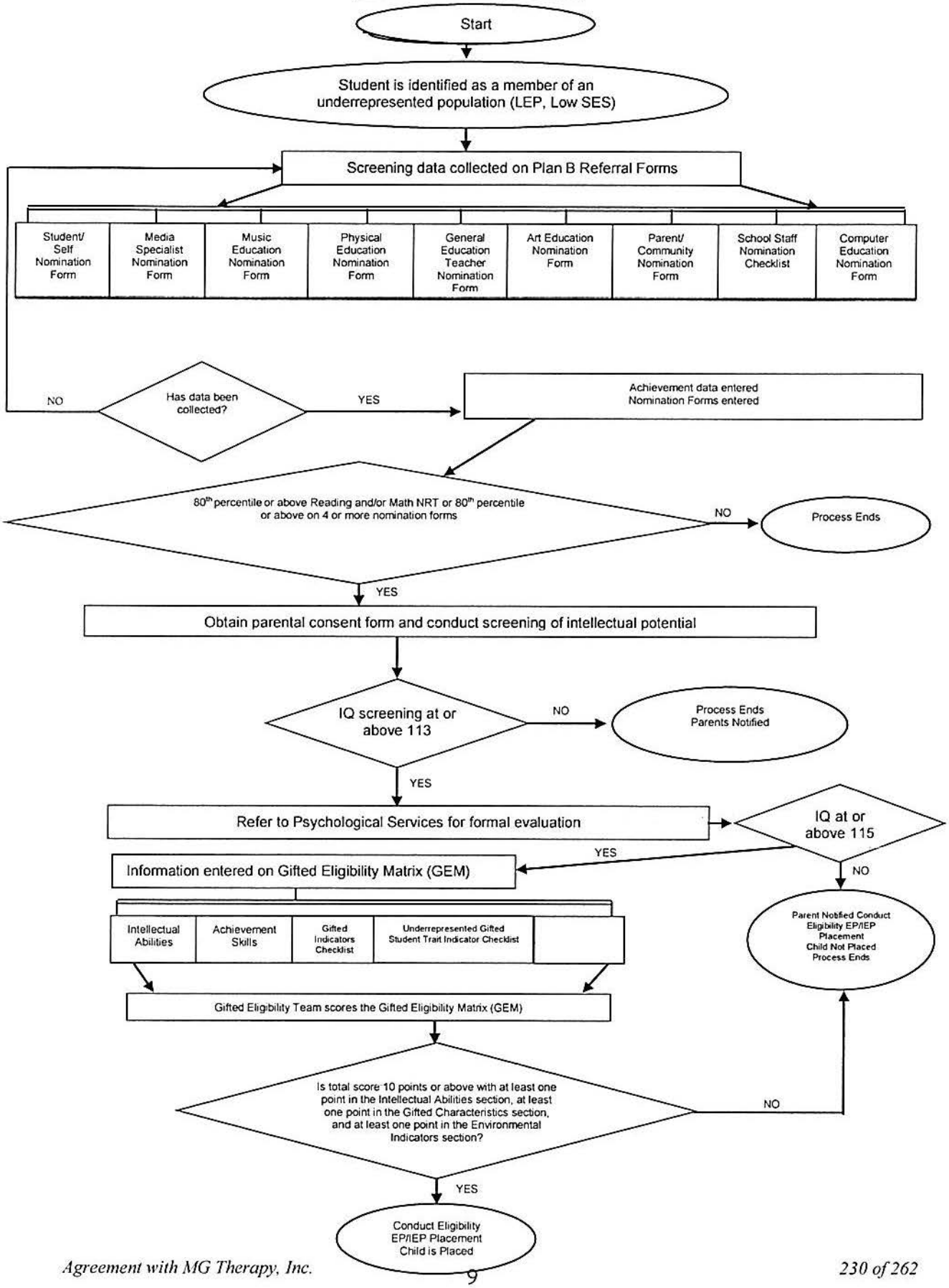
- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.

Plan "B" Process Flowchart



Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes_____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C) General Education Teacher	_____	10	(8)	_____Yes_____No
(D) School Staff	_____	10	(8)	_____Yes_____No
(E) Media Specialist	_____	10	(8)	_____Yes_____No
(F) Computer Education	_____	10	(8)	_____Yes_____No
(G) Physical Education	_____	10	(8)	_____Yes_____No
(H) Art Education	_____	10	(8)	_____Yes_____No
(I) Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____
2. Displays a sense of humor; makes others laugh; tells jokes _____
3. Is involved in many school activities _____
4. Has the ability to influence others, positively or negatively _____
5. Tends to dominate others _____
6. Asks a lot of questions _____
7. Shows self-confidence _____
8. Is a risk taker _____
9. Has a good imagination _____
10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators **Yes** Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

ADAPTABILITY	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

MG THERAPY, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
1500 Weston Road, Suite 215
Weston, Florida 33326

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) ***"Business Associate"*** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) ***"Designated Record Set"*** has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) ***"EDI Rule"*** shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) ***"Electronic PHI"*** or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) ***"HIPAA"*** means the Health Insurance Portability and Accountability Act of 1996.

(g) ***"HITECH Act"*** means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) ***"Individual"*** shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) ***"Minimum Necessary"*** means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) ***"Omnibus Rule"*** means the HIPAA Omnibus Rule of 2013.

(k) ***"Privacy Rule"*** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) ***"Protected Health Information"*** or ***"PHI"*** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) ***"Required by Law"*** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) ***"Secretary"*** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) ***"Security Rule"*** shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) ***"Unsecured PHI"*** shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Maria Eugenia Gurfinkel MG Therapy, Inc. 304 Indian Trace, Suite 324 Weston, Florida 33326
With a Copy to:	Maria Eugenia Gurfinkel 16123 Opal Creek Drive Weston, Florida 33331

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: MG Therapy, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:01:11 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

ATTACHMENT B

FOR BUSINESS ASSOCIATE

MG THERAPY, INC.

Signature

By: Maria Garfinkel / Owner
Print Name and Title

Witness

Witness – Fernando Dsloshs.

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 4, 2020 (*date*) by Maria Garfinkel (*name of officer or agent, title of officer or agent*) of MG Therapy, INC. (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced G615-545-69-868-0 (DL) (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 4 day of June, 2020.

My Commission Expires: 10/25/2021

Signature – Notary Public

Yaikel Anido
Notary's Printed Name

(SEAL)

Notary Public State of Florida
Yaikel Anido
My Commission GG 154646
Expires 10/25/2021

GG154646
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ORANGE TREE STAFFING, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
111 E. Fairbanks Avenue
Winter Park, Florida 32789

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated November 26, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records**.

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Mardly R. Perez-Smith, Owner Orange Tree Staffing, LLC 111 E. Fairbanks Avenue Winter Park, Florida 32789

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third-Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third-party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state and local laws, SBBC policies, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Orange Tree Staffing, LLC - RFP FY21-007 - Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:33:10 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

ORANGE TREE STAFFING, LLC

By _____

Print Name: Mardly R. Smith

Title: Owner

_____, Secretary

-or-

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF FL

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 5/21/20 (*date*) by Mardly Smith (*name of officer or agent, title of officer or agent*) of Orange Tree Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced drivers license (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 21st day of May, 2020.

My Commission Expires:

04/29/22

_____
Signature – Notary Public

Darlene Lugo
Notary's Printed Name

GG 212575
Notary's Commission No.

(SEAL)

Notary Public State of Florida
Darlene Lugo
My Commission GG 212575
Expires 04/29/2022

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this contract, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does one of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C.
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

          The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

          When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and piace

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

a. General requirements.

Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

b. Definitions from Rule 6A-1.09963, F.A.C.

i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

a. Basis of knowledge

A school district is deemed to have knowledge that a student is a student with a disability if:

- The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
- The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Orange Tree Staffing, LLC

Agreement with Orange Tree Staffing, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Agreement with Orange Tree Staffing, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Orange Free Staffing, LLC
206 of 262

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with Orange Tree Staffing, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Orange Tree Staffing, LLC

210 of 262

Exhibit 1

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ 85%, decrease separate class placement of students with disabilities to ≤ 6%, and decrease other separate environment placement of students with disabilities to ≤ 1%, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) I
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PB	18) I	*30) PB
8) PB	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

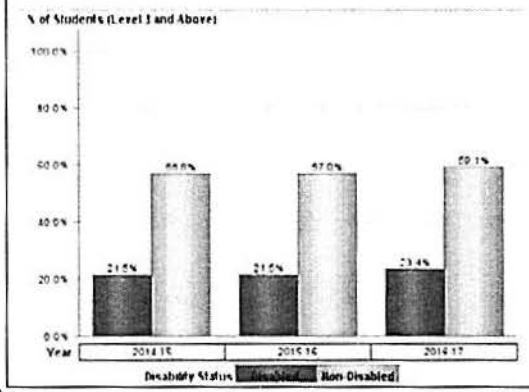
- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with Orange Tree Staffing, LLC

241 of 262

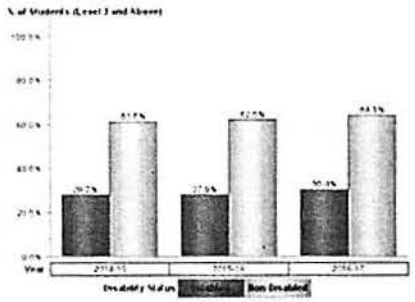
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Orange Free Staffing, LLC

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Orange Tree Staffing, LLC

213 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Document with Orange Grove Staffing, LLC

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Orange Tree Staffing, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Orange Tree Staffing, LLC

216 of 262

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Orange Free Staffing, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4.1 FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Orange Tree Staffing, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Orange Tree Staffing, LLC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Orange Tree Staffing, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist

   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

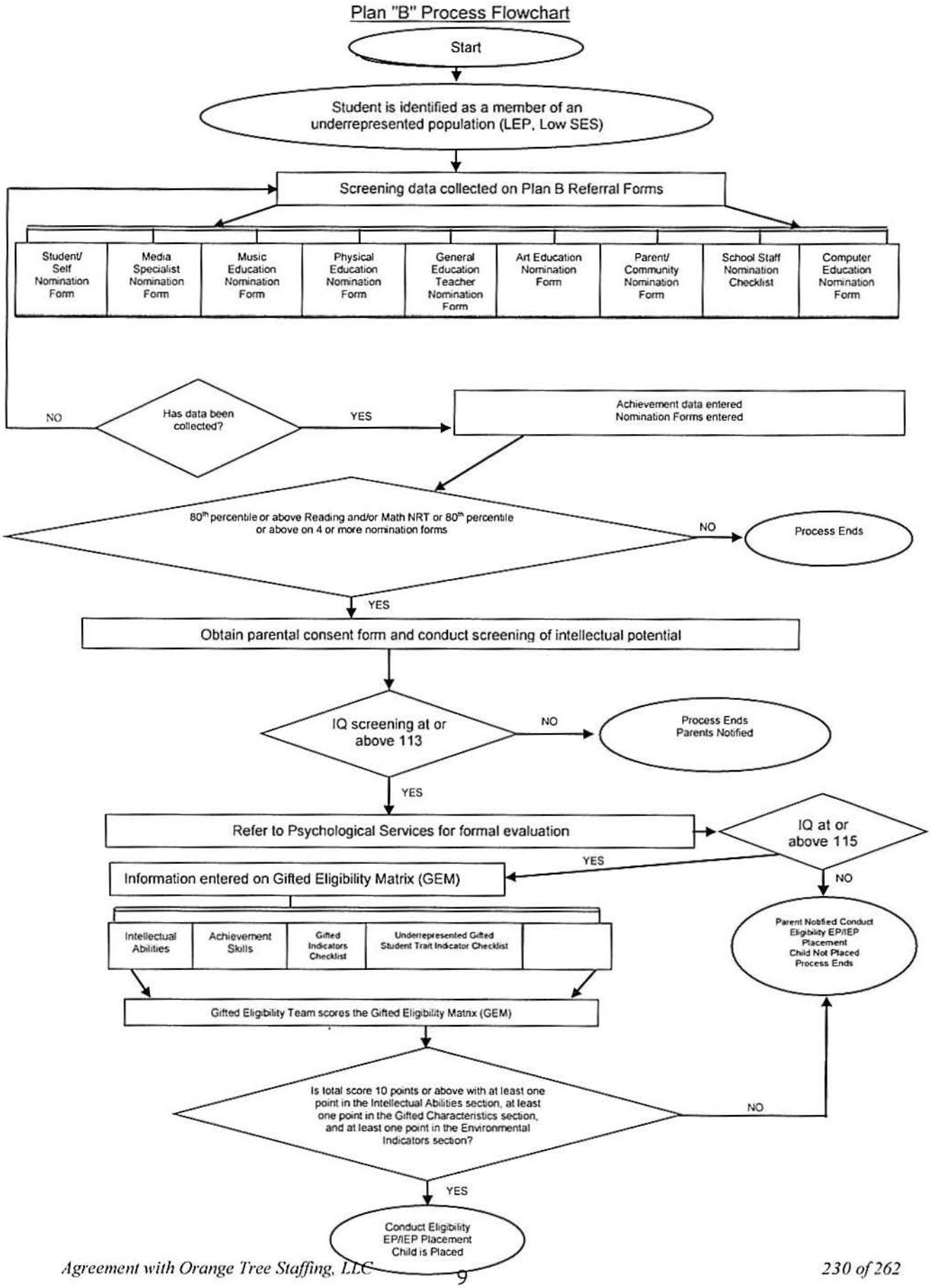
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes_____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C) General Education Teacher	_____	10	(8)	_____Yes_____No
(D) School Staff	_____	10	(8)	_____Yes_____No
(E) Media Specialist	_____	10	(8)	_____Yes_____No
(F) Computer Education	_____	10	(8)	_____Yes_____No
(G) Physical Education	_____	10	(8)	_____Yes_____No
(H) Art Education	_____	10	(8)	_____Yes_____No
(I) Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	**Yes**	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
Student primary language(s) other than English (1pt)	____					
Student from a low SES* family (1 pt)	____					
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	____					
*Socio-economic status				Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

ORANGE TREE STAFFING, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
111 E. Fairbanks Avenue
Winter Park, Florida 32789

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
Mardly R. Perez-Smith, Owner
Orange Tree Staffing, LLC
111 E. Fairbanks Avenue
Winter Park, Florida 32789

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Orange Tree Staffing, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:33:38 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

ORANGE TREE STAFFING, LLC

Signature

By: Mardly R. Smith | Owner
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 5/21/20 (*date*) by Mardly Smith (*name of officer or agent, title of officer or agent*) of Orange Tree Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced driver's license (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 21st day of May, 2020.

My Commission Expires:

04/29/20

(SEAL)

Notary Public State of Florida
Darlene Lugo
My Commission GG 212575
Expires 04/29/2022

Signature – Notary Public

Darlene Lugo
Notary's Printed Name

GG 212575
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and Orange Tree Staffing, LLC (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: n/a

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

PEDIATRIC DEVELOPMENTAL SERVICES, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
115 Sudbrook Lane, Suite A
Pikesville, Maryland 21208

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 8, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Sam Schnitzer, CEO Pediatric Developmental Services, LLC d/b/a The Therapy Spot, LLC 115 Sudbrook Lane, Suite A Pikesville, Maryland 21208

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Pediatric Developmental Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 10:37:58 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

PEDIATRIC DEVELOPMENTAL SERVICES, LLC

ATTEST:

By _____

_____, Secretary

Print Name: Sam Schnitzer

-or-

Title: CEO

_____

Witness

_____

Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Maryland

~~COUNTY~~ City OF Baltimore

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 21, 2020 (*date*) by Sam Schnitzer (*name of officer or agent, title of officer or agent*) of CEO of Pediatric Developmental Services, LLC (*name of corporation acknowledging*), a Maryland LLC (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 21 day of May, 2020.

My Commission Expires:

_____

Signature – Notary Public

(SEAL)

HILLEL TENDLER NOTARY PUBLIC BALTIMORE CITY, MD.

HILLEL TENDLER

Notary's Printed Name

My commission expires 11/18/23

_____

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES

ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall to provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (c) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident.**

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
⊙ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:

    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student

    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day

    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP

    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:

    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.

    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.

    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:

    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.

    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.

    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:

    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

- A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
- The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
- Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
- A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
    - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
    - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
    - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
    - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
    - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.

    b. Written documentation of the most recent evaluation data.

    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    e. Written evidence that the student has had the opportunity to learn the skills being tested.

    f. Written evidence that the student has been provided appropriate instructional accommodations.

    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.

    h. Written evidence of the circumstance or condition as defined in section (1).

    i. The name, address, and phone number of the student's parent.

4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.

5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity

    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

    Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

    Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

        - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
        - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
        - Has a disability as defined above.
    - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
    - "Eligible postsecondary institution" means any of the following:
        - Florida College System institution;
        - State university;
        - School district technical center;
        - School district adult general education center; or
        - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
    - "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
    - "IEP" means an individual education plan.
    - "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
    - "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
    - "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
    - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
    - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
    - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

BPIE DISTRICT INDICATOR Tally Sheet

Agreement with Pediatric Developmental Services, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

District: Broward **FIN Services Plan Date:** **February 6, 2018**

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

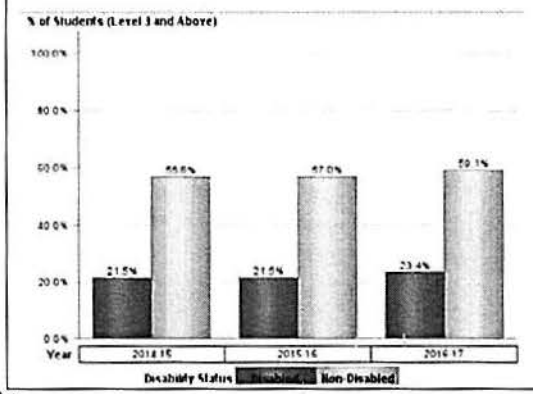
Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

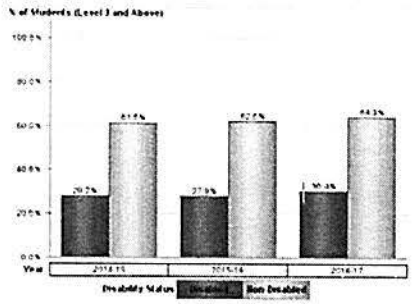
District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Pediatric Developmental Services, LLC

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Pediatric Developmental Services, LLC

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Pediatric Developmental Services, LLC

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Pediatric Developmental Services, Inc.

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Pediatric Developmental Services, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist

   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

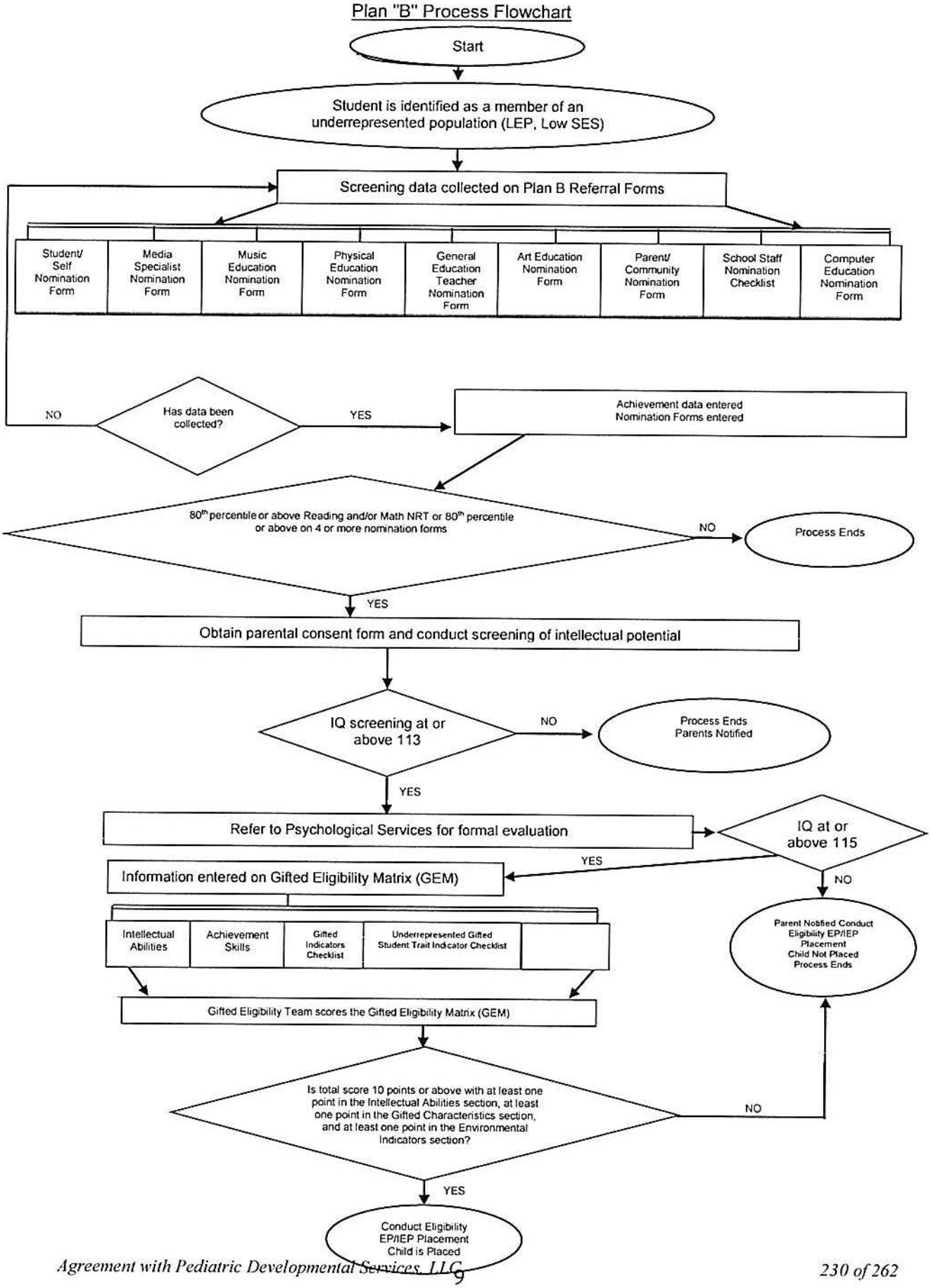
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
Information entered on Gifted Eligibility Matrix (GEM)
NO
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** ____ Yes ____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: ____ Yes ____ No

   FSA level 4 or 5 in reading or mathematics: ____ Yes ____ No

3. NOMINATION FORMS

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning ____ Yes ____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist ____ Yes ____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

	4	3	2	1	
Intellectual Abilities Eval. Instrument: _____ Score: _____	125-127+	122-124	119-121	115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
	Yes				
Student primary language(s) other than English (1pt)	____				
Student from a low SES* family (1 pt)	____				
Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	____				

*Socio-economic status

Total Score

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C_____ **X 4 =** _____
#in O_____ **X 3 =** _____
#in S_____ **X 2 =** _____
#in R_____ **X 1 =** _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C_____ **X 4 =** _____
#in O_____ **X 3 =** _____
#in S_____ **X 2 =** _____
#in R_____ **X 1 =** _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

PEDIATRIC DEVELOPMENTAL SERVICES, LLC
ereinafter referred to as "Business Associate"),

whose principal place of business is
115 Sudbrook Lane, Suite A
Pikesville, Maryland 21208

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) **"*Breach*"** has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) ***Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) ***Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) ***Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
Sam Schnitzer, CEO
Pediatric Developmental Services, LLC
d/b/a The Therapy Spot, LLC
115 Sudbrook Lane, Suite A
Pikesville, Maryland 21208

[THIS SPACE INTENTIONALLY LEFT BLANK]

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Pediatric Developmental Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 10:38:26 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

PEDIATRIC DEVELOPMENTAL SERVICES, LLC

Signature

By: Sam Schnitzer, CEO
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Maryland
~~COUNTY~~ OF Baltimore

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 21, 2020 (*date*) by Sam Schnitzer, CEO (*name of officer or agent, title of officer or agent*) of Pediatric Developmental, LLC (*name of corporation acknowledging*), a Maryland LLC (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 21 day of May, 2020.

My Commission Expires:

(SEAL)

Signature – Notary Public

HILLEL KENDLER
Notary's Printed Name

My commission expires 11/19/21

Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

RCM TECHNOLOGIES (USA), INC.
D/B/A RCM HEALTH CARE SERVICES, A DIVISION OF RCM TECHNOLOGIES (USA), INC.
(hereinafter referred to as "VENDOR"),
whose principal place of business is
2500 McClellan Avenue, #350
Pennsauken, New Jersey 08109

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 3, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment**.

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 50/100 Cents ($58.50) per hour and a school audiologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.50) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Sam Wilken, Allied Manager RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc. 575 8th Avenue, 6th Floor New York, New York 10018
With a Copy to:	Orly Rocklin, Proposal Writer RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc. 575 8th Avenue, 6th Floor New York, New York 10018

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or

its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within

the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee, or agent of one another. Neither party or its respective agents, employees, subcontractors, or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave benefits, or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds, or insurance for the other party or the other party's officers, employees, agents, subcontractors, or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc. - RFP FY21-007 - Speech-Language Pathology and Audiology Services
Date: 2020.06.02 14:38:23 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

RCM TECHNOLOGIES (USA), INC.
D/B/A RCM HEALTH CARE SERVICES,
A DIVISION OF RCM TECHNOLOGIES
(USA), INC.

ATTEST:

By _____

_____, Secretary

Print Name: Kevin D. Miller

-or-

Title: CFO

Grace C. Sievers
Witness

Virginia DiBartolomeo
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF New Jersey

COUNTY OF Camden

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 27, 2020 (*date*) by Kevin D. Miller (*name of officer or agent, title of officer or agent*) of RCM Technologies (USA), Inc. (*name of corporation acknowledging*), a New Jersey (*state or place of incorporation*) corporation, on behalf of the corporation. He/~~she~~ is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 27th day of May, 2020.

My Commission Expires:

Virginia Dibartolomeo
Notary Public
State of New Jersey
My Commission Expires February 27, 2024
(SEAL)

Virginia DiBartolomeo
Signature – Notary Public

Virginia DiBartolomeo
Notary's Printed Name

50099882
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also agrees to hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

- (•) The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) The district has made changes to their policies and procedures regarding the use of restraint and seclusion.
- ( ) This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

- ( ) In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.
- (•) This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

(●) Yes
( ) No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required.** A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

  Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

  The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings

    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.

    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings

    a. An expedited hearing may be requested by:

        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others

    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	**12)** F	***24)** PB
2) PA	**13)** PA	***25)** PB
3) PM	***14)** PB	**26)** F
***4)** NY	***15)** PB	**27)** PM
5) PM	**16)** PM	**28)** PM
6) F	**17)** PM	**29)** F
7) PB	**18)** F	***30)** PB
8) PB	**19)** PM	
9) F	**20)** PB	
10) PM	**21)** PM	
11) NY	**22)** PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

210 of 262

Exhibit 1

District FIN Services Plan (FSP)

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across all districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

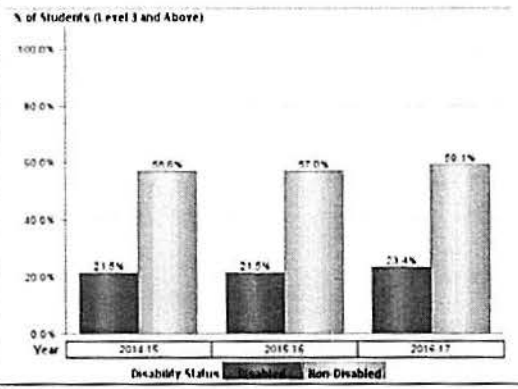
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) I
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PB	18) I	*30) PB
8) PB	19) PM	
9) I	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

211 of 262

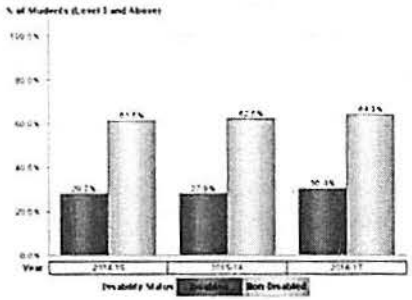
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Exhibit 1

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

A Division of RCM Technologies (USA), Inc.
Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services.
214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with RCM Technologies (USA), Inc. dba RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services.
A Division of RCM Technologies (USA), Inc.

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with RCM Technologies (USA), Inc.
A Division of RCM Technologies (USA), Inc. & Ora RCM Health Care Services,

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services.
A Division of RCM Technologies (USA), Inc.

Exhibit 1

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

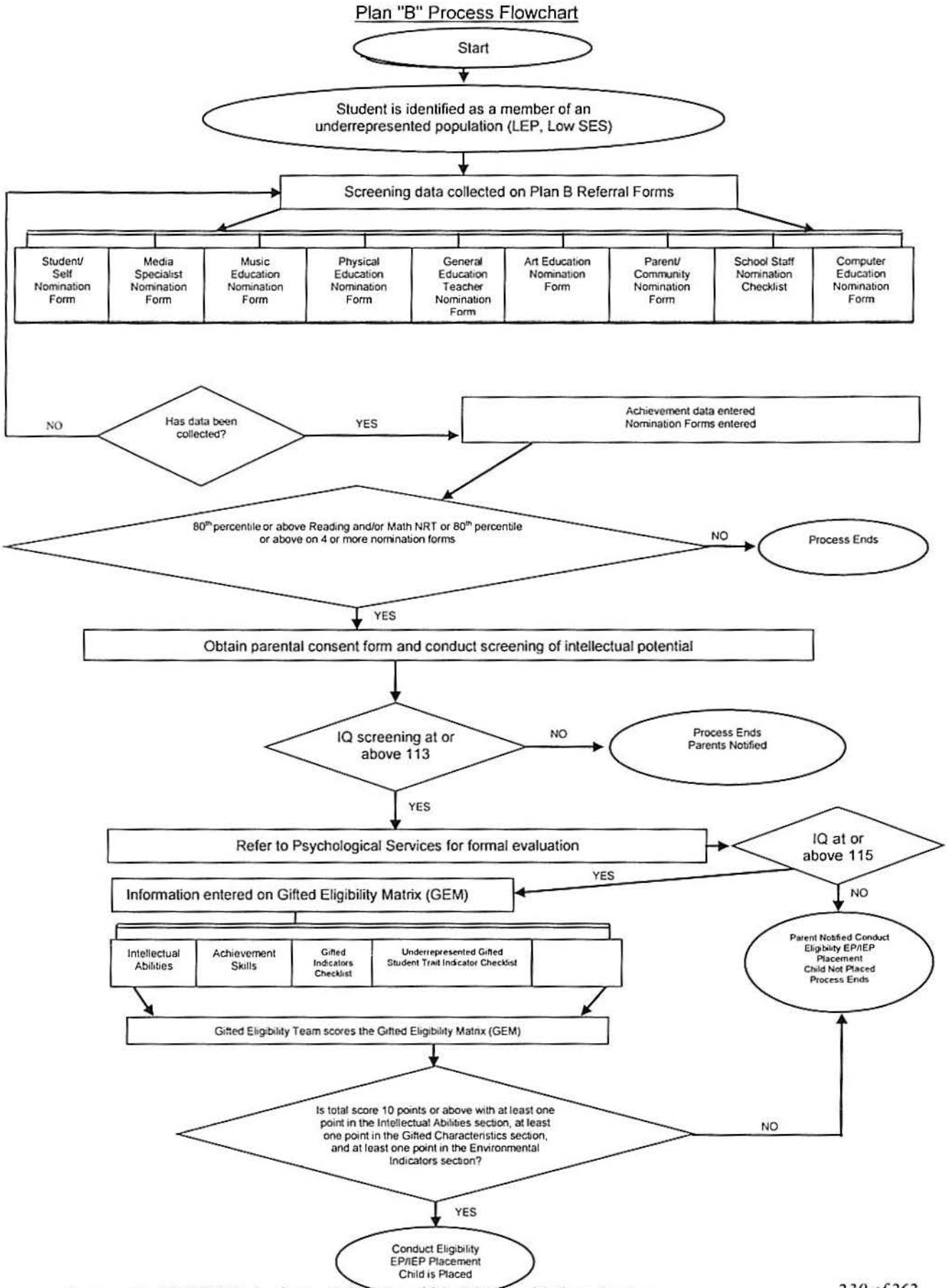
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. ACHIEVEMENT TEST DATA

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. NOMINATION FORMS	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) ____ Student from a low SES* family (1 pt) ____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) ____	**Yes** Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

RCM TECHNOLOGIES (USA), INC.
D/B/A RCM HEALTH CARE SERVICES, A DIVISION OF RCM TECHNOLOGIES (USA), INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
2500 McClellan Avenue, #350
Pennsauken, New Jersey 08109

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
Sam Wilken, Allied Manager
RCM Technologies (USA), Inc.
d/b/a RCM Health Care Services, A Division of
RCM Technologies (USA), Inc.
575 8th Avenue, 6th Floor
New York, New York 10018

With a Copy to:
Orly Rocklin, Proposal Writer
RCM Technologies (USA), Inc.
d/b/a RCM Health Care Services, A Division of
RCM Technologies (USA), Inc.
575 8th Avenue, 6th Floor
New York, New York 10018

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: RCM Technologies (USA), Inc. d/b/a RCM Health Care Services, A Division of RCM Technologies (USA), Inc. - RFP FY21-007 - Speech-Language Pathology and Audiology Services
Date: 2020.06.02 14:39:01 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

RCM TECHNOLOGIES (USA), INC.
D/B/A RCM HEALTH CARE SERVICES,
A DIVISION OF RCM TECHNOLOGIES (USA), INC.

Signature

By: Kevin D. Miller, CFO
Print Name and Title

Grace C. Stowers
Witness

Virginia DiBartolomeo
Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF New Jersey

COUNTY OF Camden

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this May 27, 2020 (*date*) by Kevin D. Miller (*name of officer or agent, title of officer or agent*) of RCM Technologies (USA), Inc. (*name of corporation acknowledging*), a New Jersey (*state or place of incorporation*) corporation, on behalf of the corporation. He/~~she~~ is ☑ personally known to me or has produced _____ (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 27th day of May, 2020.

My Commission Expires:

Virginia Dibartolomeo
Notary Public
State of New Jersey
My Commission Expires February 27, 2024

(SEAL)

Virginia DiBartolomeo
Signature – Notary Public

Virginia D. Bartolomeo
Notary's Printed Name

50099882
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 3rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

SPEECH REHAB SERVICES, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
551 NW 77th Street, #111
Boca Raton, Florida 33487

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 6, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 75/100 Cents ($58.75) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records**.

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice.** When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Victor Suvall, Executive Director Speech Rehab Services, LLC 551 NW 77th Street, #111 Boca Raton, Florida 33487
With a Copy to:	Dr. Tiffany North, Vice President of Strategic Development Speech Rehab Services, LLC 551 NW 77th Street, #111 Boca Raton, Florida 33487

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties

described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability.** This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

(Corporate Seal)

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Speech Rehab Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 07:43:54 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

SPEECH REHAB SERVICES, LLC

By _____

Print Name: Victoria Sowell

Title: Executive Director

_____, Secretary

-or-

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this May 20 2020 (*date*) by Victoria Sowell Executive Director (*name of officer or agent, title of officer or agent*) of Speech Rehab Services, LLC (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☐ did/☒ did not first take an oath this 20th day of May, 2020.

My Commission Expires:

6/14/2021

(SEAL)

ANNETTE M DERENZO
Notary Public - State of Florida
Commission # GG 114822
My Comm. Expires Jun 14, 2021
Bonded through National Notary Assn.

_____
Signature – Notary Public

Annette M DeRenzo
Notary's Printed Name

GG 114822
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided, on a daily basis. Awardee(s) shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to insure timely payment Awardee(s) must submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training all providers/awardees shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the Awardee(s) (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation or rehabilitation services including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency

5/28/19
Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes

◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

(•) Yes
( ) No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (•) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(•) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)
    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.
    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.

    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.

    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:

    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts

    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data

    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
   A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
   A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods; the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

AGREEMENT

THIS AGREEMENT is made and entered into as of this 3rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

SUNBELT STAFFING, LLC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
3687 Tampa Road, Suite 200
Oldsmar, Florida 34677-6307

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 10, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services**.

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Catheryne Budzian Sunbelt Staffing, LLC 3687 Tampa Road, Suite 200 Oldsmar, Florida 34677
With a Copy to:	Contracts Department Sunbelt Staffing, LLC 3687 Tampa Road, Suite 200 Oldsmar, Florida 34677

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties

described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Sunbelt Staffing, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 12:48:16 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

SUNBELT STAFFING, LLC

ATTEST:

By _____

_____, Secretary

Print Name: Jena Zander

Title: Operations Manager

-or-

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5/20/20 (*date*) by Jena Zander (*name of officer or agent, title of officer or agent*) of Sunbelt Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires:

_____
Signature – Notary Public

CHRISTINA BABICH
Notary Public - State of Florida
Commission # GG 957573
My Comm. Expires May 23, 2024
Bonded through National Notary Assn.

Christina Babich
Notary's Printed Name

(SEAL)

GG957573
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1**– Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaiuations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. **Describe how parents are provided written notice on the day the restraint or seclusion occurred.**

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. **Specify personnel (by role or title) responsible for preparing the written notice.**

   The school Principal or their designee will prepare the written notification.

   c. **Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.**

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. **Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.**

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. **Specify personnel (by role or title) responsible for preparing the incident report.**

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes

◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes

○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem-solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

- ○ Provide services until the day the student turns twenty-two (22)
- ○ Provide services until the end of the semester in which the student turns twenty-two (22)
- ◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

- ○ Yes
- ◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

- ◉ Yes
- ○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

(●) Yes
( ) No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

          The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

          When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
   A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
   A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

- A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
- The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
- Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

- A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
- A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
- A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
- If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

   i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

      a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

      b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

   ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

      a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

      b. The name, address, and phone number of the student's parent;

      c. Documentation of parental consent for the exemption;

      d. Documentation of the superintendent's approval of the exemption;

      e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

      f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

   iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

   The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

   a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.
   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.
3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:
   a. The parent(s);
   b. Not less than one regular education teacher,
   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Speech Rehab Services, LLC

Agreement with Speech Rehab Services, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Speech Rehab Services, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Speech Rehab Services, LLC

206 of 262

Exhibit 1

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Speech Rehab Services, LLC

210 of 262

Exhibit 1

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

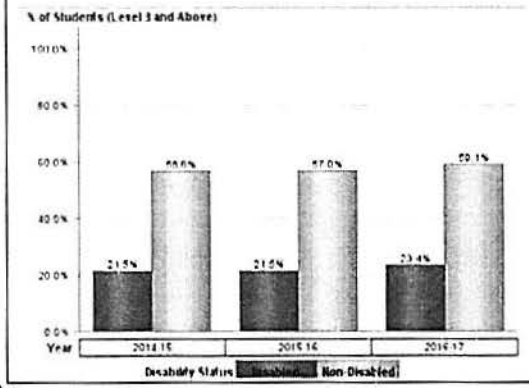
- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PR
2) PA	13) PA	*25) PR
3) PM	*14) PR	26) I
*4) NY	*15) PR	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PR	18) I	*30) PR
8) PR	19) PM	
9) I	20) PR	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

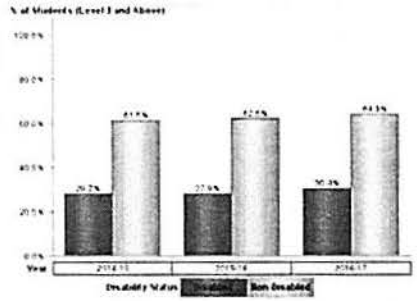
Agreement with Speech Rehab Services, LLC
211 of 262
Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Speech Rehab Services, LLC

Exhibit 1

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Speech Rehab Services, LLC

213 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Speech Path Services, LLC

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Speech Rehab Services, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Special Rehab Services, LLC

216 of 262

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
a. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
b. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Speech Rehab Services, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Speech Rehab Services, LLC

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Speech Rehab Services, LLC

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Speech Rehab Services, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

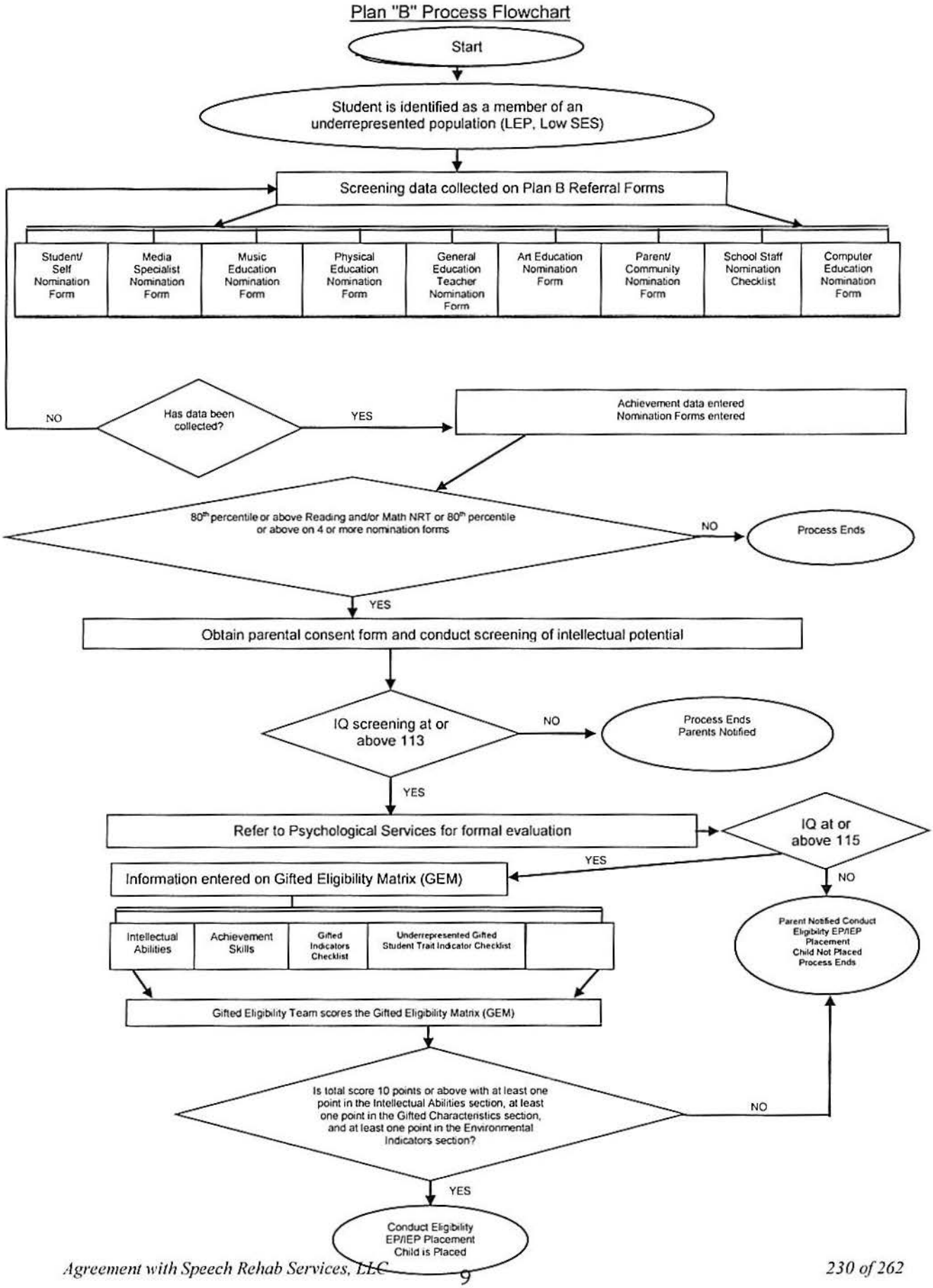
1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
NO
Has data been collected?
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____
2. Displays a sense of humor; makes others laugh; tells jokes _____
3. Is involved in many school activities _____
4. Has the ability to influence others, positively or negatively _____
5. Tends to dominate others _____
6. Asks a lot of questions _____
7. Shows self-confidence _____
8. Is a risk taker _____
9. Has a good imagination _____
10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____
2. Responds quickly to musical training _____
3. Displays exceptional talent with voice _____
4. Displays exceptional talent on an instrument _____
5. Plays "by ear" or sings on first or second hearing _____
6. Plays more than one instrument _____
7. Improvises or innovates on instrument and/or voice _____
8. Demonstrates sense of rhythm _____
9. Becomes absorbed in music; either performing or listening _____
10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

SPEECH REHAB SERVICES, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
551 NW 77th Street, #111
Boca Raton, Florida 33487

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) ***"Business Associate"*** shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) ***"Designated Record Set"*** has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) ***"EDI Rule"*** shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) ***"Electronic PHI"*** or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) ***"HIPAA"*** means the Health Insurance Portability and Accountability Act of 1996.

(g) ***"HITECH Act"*** means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) ***"Individual"*** shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) ***"Minimum Necessary"*** means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) ***"Omnibus Rule"*** means the HIPAA Omnibus Rule of 2013.

(k) ***"Privacy Rule"*** shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) ***"Protected Health Information"*** or ***"PHI"*** shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) ***"Required by Law"*** shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) ***"Secretary"*** shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) ***"Security Rule"*** shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) ***"Unsecured PHI"*** shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Victor Suvall, Executive Director Speech Rehab Services, LLC 551 NW 77th Street, #111 Boca Raton, Florida 33487
With a Copy to:	Dr. Tiffany North, Vice President of Strategic Development Speech Rehab Services, LLC 551 NW 77th Street, #111 Boca Raton, Florida 33487

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Speech Rehab Services, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 07:44:33 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

SPEECH REHAB SERVICES, LLC

Signature

By: Victor Suvoll Executive Director
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this MAY 20, 2020 (*date*) by Victor Suvoll Executive Director (*name of officer or agent, title of officer or agent*) of SPEECH REHAB SERVICES, LLC (*name of corporation acknowledging*), a FLORIDA (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☐ did/☒ did not first take an oath this 20th day of MAY, 2020.

My Commission Expires:

6/14/2021

(SEAL)

ANNETTE M DERENZO
Notary Public - State of Florida
Commission # GG 114822
My Comm. Expires Jun 14, 2021
Bonded through National Notary Assn.

Annette M DeRenzo
Signature – Notary Public

Annette M DeRenzo
Notary's Printed Name

GG 114822
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

- To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

  Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

  The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
    - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
    - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
    - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
    - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
    - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.

    b. Written documentation of the most recent evaluation data.

    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    e. Written evidence that the student has had the opportunity to learn the skills being tested.

    f. Written evidence that the student has been provided appropriate instructional accommodations.

    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.

    h. Written evidence of the circumstance or condition as defined in section (1).

    i. The name, address, and phone number of the student's parent.

4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.

5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity

    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.
    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.
    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

   Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

   a. The parent or parent(s) of the child;

   b. Other family members as requested by the parent(s), if feasible to do so;

   c. An advocate or person outside of the family, if the parent(s) request that the person participate;

   d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

   e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

   f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

   a. Participating in a telephone or video conference call;

   b. Having a knowledgeable authorized representative attend the meeting; or

   c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

   Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

   a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend
   b. Scheduling the meeting at a mutually agreed on time and place
      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.
      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:
         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits
      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP
   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.
   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

        - Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
        - Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
        - Has a disability as defined above.
    - "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
    - "Eligible postsecondary institution" means any of the following:
        - Florida College System institution;
        - State university;
        - School district technical center;
        - School district adult general education center; or
        - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
    - "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
    - "IEP" means an individual education plan.
    - "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
    - "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
    - "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
    - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
    - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
    - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE

Indicator Rating Tally Sheet

District: Broward **District Contact/Title: Dr. Antoine Hickman, Executive Director** **Date Completed: February 22, 2016**

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Sambelt Staffing, LLC

BPIE DISTRICT INDICATOR Tally Sheet

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Agreement with Sunbelt Staffing, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Agreement with Sunbelt Staffing, LLC

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Agreement with Sunbelt Staffing, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Agreement with Sunbelt Staffing, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with Sunbelt Staffing, LLC

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with Sunbelt Staffing, LLC

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Saunders Staffing, LLC

District: Broward **FIN Services Plan Date:** February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

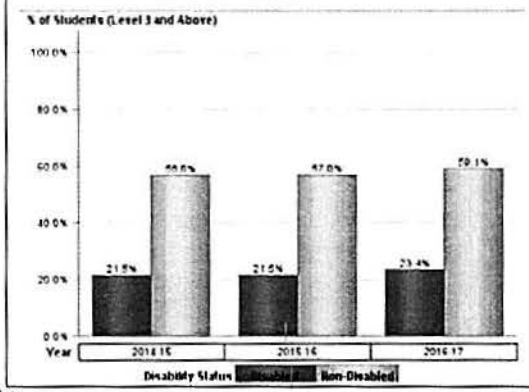
Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

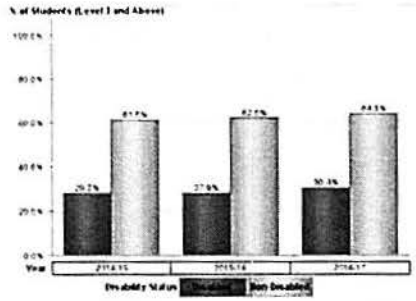
District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) I	*24) PII
2) PA	13) PA	*25) PII
3) PM	*14) PII	26) I
*4) NY	*15) PII	27) PM
5) PM	16) PM	28) PM
6) I	17) PM	29) I
7) PII	18) I	*30) PII
8) PII	19) PM	
9) I	20) PII	
10) PM	21) PM	
11) NY	22) PM	
	23) I	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Sunbelt Staffing, LLC

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Sunbelt Staffing, LLC

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Stumbelt Staffing, LLC

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Strategic Staffing, LLC

Goal 3 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Dumbell Staffing, LLC

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Stabell Staffing, LLC

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Sunbelt Staffing, LLC

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

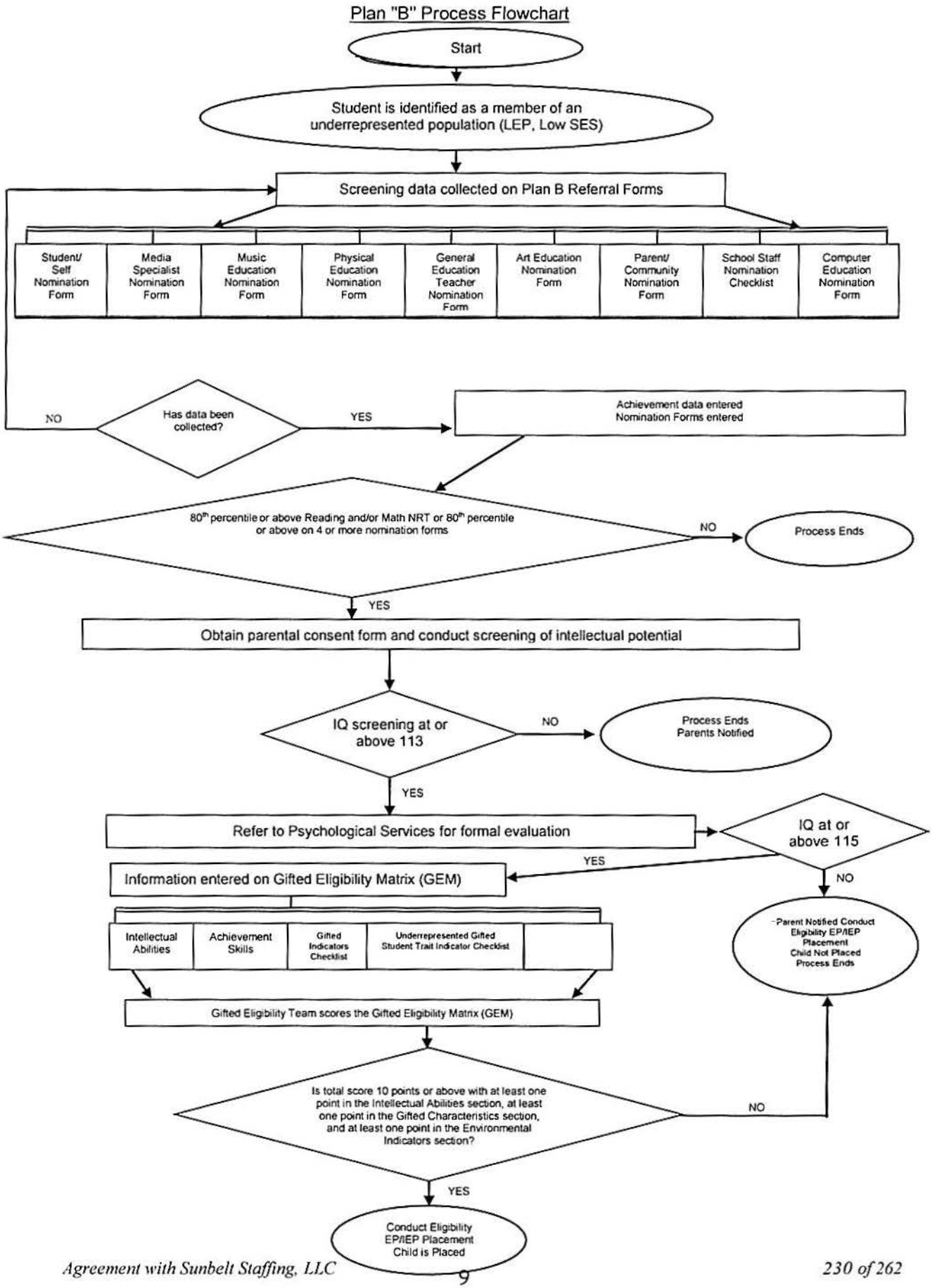
- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.

Plan "B" Process Flowchart



Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

		Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A)	Parent/Community	_____	15	(12)	_____Yes____No
(B)	Student Self-Nomination	_____	10	(8)	_____Yes____No
(C)	General Education Teacher	_____	10	(8)	_____Yes____No
(D)	School Staff	_____	10	(8)	_____Yes____No
(E)	Media Specialist	_____	10	(8)	_____Yes____No
(F)	Computer Education	_____	10	(8)	_____Yes____No
(G)	Physical Education	_____	10	(8)	_____Yes____No
(H)	Art Education	_____	10	(8)	_____Yes____No
(I)	Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____

2. I have a sense of humor; I can make people laugh _____

3. I can get other people to do things I want them to do _____

4. I like to tell people what to do _____

5. People say I ask too many questions _____

6. I have friends that are older than I am _____

7. I am not afraid to try new things _____

8. I am told that I have a good imagination _____

9. I like to find out how things work _____

10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____

2. Attempts difficult tasks and does not give up easily _____

3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____

4. Is self-motivated to learn _____

5. Is curious about many things; displays intellectual curiosity _____

6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____

7. Catches on quickly; even though technology experience has been limited or non-existent _____

8. Is self-critical and strives for perfection _____

9. Is not easily distracted when solving problems _____

10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____

2. Responds quickly to musical training _____

3. Displays exceptional talent with voice _____

4. Displays exceptional talent on an instrument _____

5. Plays "by ear" or sings on first or second hearing _____

6. Plays more than one instrument _____

7. Improvises or innovates on instrument and/or voice _____

8. Demonstrates sense of rhythm _____

9. Becomes absorbed in music; either performing or listening _____

10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators Student primary language(s) other than English (1pt) Student from a low SES* family (1 pt) Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts)	**Yes** _____ _____ _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status				Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. <u>There is no need to continue with the Plan B Gifted Eligibility Matrix.</u>

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* The following characteristics may be observed in English or in the student's heritage language

This student exhibits this behavior

	C Consistently	O Often	S Sometimes	R Rarely	N Never
LEARNING	4	3	2	1	0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

LIST DOMAIN_____TOTAL POINTS = [ ]

TOTAL POINTS ON THE 4 HIGHEST AREAS = [ ]

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

ATTACHMENT B

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

SUNBELT STAFFING, LLC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
3687 Tampa Road, Suite 200
Oldsmar, Florida 34677-6307

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) **"*Breach*"** has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Catheryne Budzian Sunbelt Staffing, LLC 3687 Tampa Road, Suite 200 Oldsmar, Florida 34677
With a Copy to:	Contracts Department Sunbelt Staffing, LLC 3687 Tampa Road, Suite 200 Oldsmar, Florida 34677

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first-above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Sunbelt Staffing, LLC - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.10 12:49:36 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

SUNBELT STAFFING, LLC

Signature

By: Jena Zander, Operations Manager
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this May 20, 2020 (*date*) by Jena Zander (*name of officer or agent, title of officer or agent*) of Sunbelt Staffing (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 20 day of May, 2020.

My Commission Expires:

Signature – Notary Public

Christina Babich
Notary's Printed Name

(SEAL)

CHRISTINA BABICH
Notary Public - State of Florida
Commission # GG 957573
My Comm. Expires May 23, 2024
Bonded through National Notary Assn.

GG957573
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

THERAPRO STAFFING INC
(hereinafter referred to as "VENDOR"),
whose principal place of business is
7477 San Sebastian Drive
Boca Raton, Florida 33433

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 10, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services.**

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents, and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice**. When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Tova Stulberger Therapro Staffing Inc 7477 San Sebastian Drive Boca Raton, Florida 33433

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

ATTEST:

_____
Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Therapro Staffing Inc - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:42:33 -04'00'

_____
Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

ATTEST:

THERAPRO STAFFING INC

By Tova Stulberger

Print Name: Tova Stulberger

Title: Owner

_____, Secretary

-or-

_____
Witness

_____
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5.20.20 (*date*) by Tova Stulberger and (*name of officer or agent, title of officer or agent*) of Therapro Staffing Inc (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 20th day of May, 2020.

My Commission Expires:

_____
Signature – Notary Public

Sara Glazer
Notary's Printed Name

(SEAL)

SARA GLAZER
Commission # GG 134530
Expires August 21, 2021
Bonded Thru Budget Notary Services

#GG134530
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SCOPE OF SERVICES — ATTACHMENT A

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also shall hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall be required to pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training, all providers shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the VENDOR (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A:	Instructional Program	63
Section B.1:	Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder	64
Section B.2:	Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing	66
Section B.3:	Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed	69
Section B.4:	Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired	72
Section B.5:	Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities	76
Section B.6:	Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions	79
Section B.7:	Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized	80
Section B.8:	Exceptional Student Education Eligibility for Students with Intellectual Disabilities	83
Section B.9:	Exceptional Student Education Eligibility for Students with Orthopedic Impairment	85
Section B.10:	Exceptional Student Education Eligibility for Students with Other Health Impairment	86
Section B.11:	Exceptional Student Education Eligibility for Students with Traumatic Brain Injury	87
Section B.12:	Exceptional Education Eligibility for Students with Specific Learning Disabilities	88
Section B.13:	Exceptional Student Education Eligibility for Students with Speech Impairments	93
Section B.14:	Exceptional Student Education Eligibility for Students with Language Impairments	97
Section B.15:	Exceptional Student Education Eligibility for Students who are Visually Impaired	102
Section B.16:	Provision of Occupational Therapy to Exceptional Students as a Related Service	104
Section B.17:	Provision of Physical Therapy to Exceptional Students as a Related Services	106
Section C:	Individual Educational Plan	108
Section D:	Discipline	123
Section E:	Participation in State and District Assessments	131
Section F:	Eligibility Criteria for Prekindergarten Children with Disabilities	136
Section G:	Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years	140

Part III. Policies and Procedures for Students

Section A:	Exceptional Student Education Eligibility for Students who are Gifted	147
Section B:	Educational Plans for Students who are Gifted	149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A:	Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities	152
Section B:	John M. McKay Scholarships for Students with Disabilities Program	158
Section C:	Gardiner Scholarship Program	161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. **Describe how the parents are provided a copy of the incident report within three school days of the incident.**

The incident report is provided to the parents by mail within three school days of the incident.

c. **Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.**

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. **How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?**

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

   a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

   b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

   c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

   d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

   e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

   f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

   g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

   h. Identification of financial responsibility.

   i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

   j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

   k. Provision for terminating the contract.

   l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

(•) Yes
( ) No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment.**
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:

    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.

    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.

    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" any of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:

    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

    b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

    a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

    b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

    c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

    d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

    a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

    b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

    c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

o In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):

   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:

   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:

    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.

    b. Written documentation of the most recent evaluation data.

    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.

    e. Written evidence that the student has had the opportunity to learn the skills being tested.

    f. Written evidence that the student has been provided appropriate instructional accommodations.

    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.

    h. Written evidence of the circumstance or condition as defined in section (1).

    i. The name, address, and phone number of the student's parent.

4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.

5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity

    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high schooi.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (●) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (●) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschool ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

Agreement with Therapro Staffing Inc

District BPIE

Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Therapro Staffing Inc

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Agreement with Therapro Staffing Inc

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Agreement with Therapro Staffing Inc

201 of 262

Exhibit 1

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Agreement with Therapro Staffing Inc.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

206 of 262

Exhibit 1

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Therapro Staffing Inc

210 of 262

Exhibit 1

District FIN Services Plan (FSP)

Agreement with Therapro Staffing Inc

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

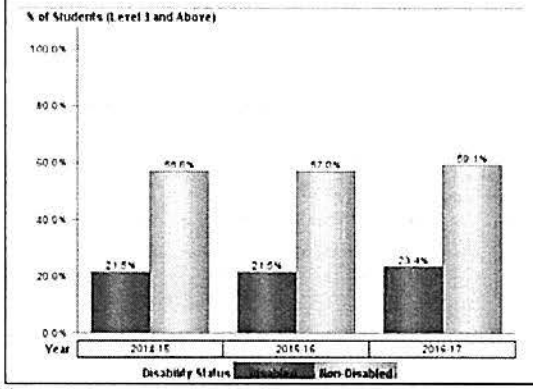
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

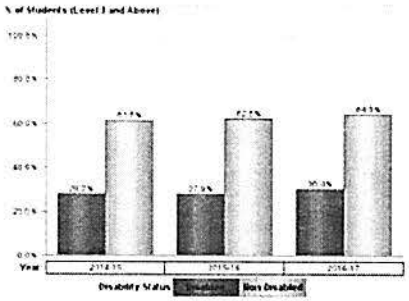
211 of 262

Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥79% 2016-17: ≥82% 2017-18: ≥83% 2018-19: ≥85%	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ 9% 2016-17: ≤ 8% 2017-18: ≤ 7% 2018-19: ≤ 6%	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ 1.75% 2016-17: ≤ 1.50% 2017-18: ≤ 1.25% 2018-19: ≤ 1%	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ 51% 2016-17: ≥ 56% 2017-18: ≥ 61% 2018-19: ≥ 66%	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Agreement with Therapro Staffing Inc

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Therapro Staffing Inc

213 of 363

Exhibit 1

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Therapy Staffing Inc

214 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	State Strategic Plan Indicator(s): (please mark) ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Kelly Educational Staffing Inc

215 of 262

Exhibit 1

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	State Strategic Plan Indicator(s): (please mark) __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Thiropro Staffing Inc

216 of 262

Exhibit 1

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
2. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	
Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):					

Agreement with Hernando County Schools, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion– Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Therapro Staffing Inc

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Apro Staffing Inc

Exhibit 1

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Therapro Staffing Inc

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

220 of 262

Exhibit 1

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

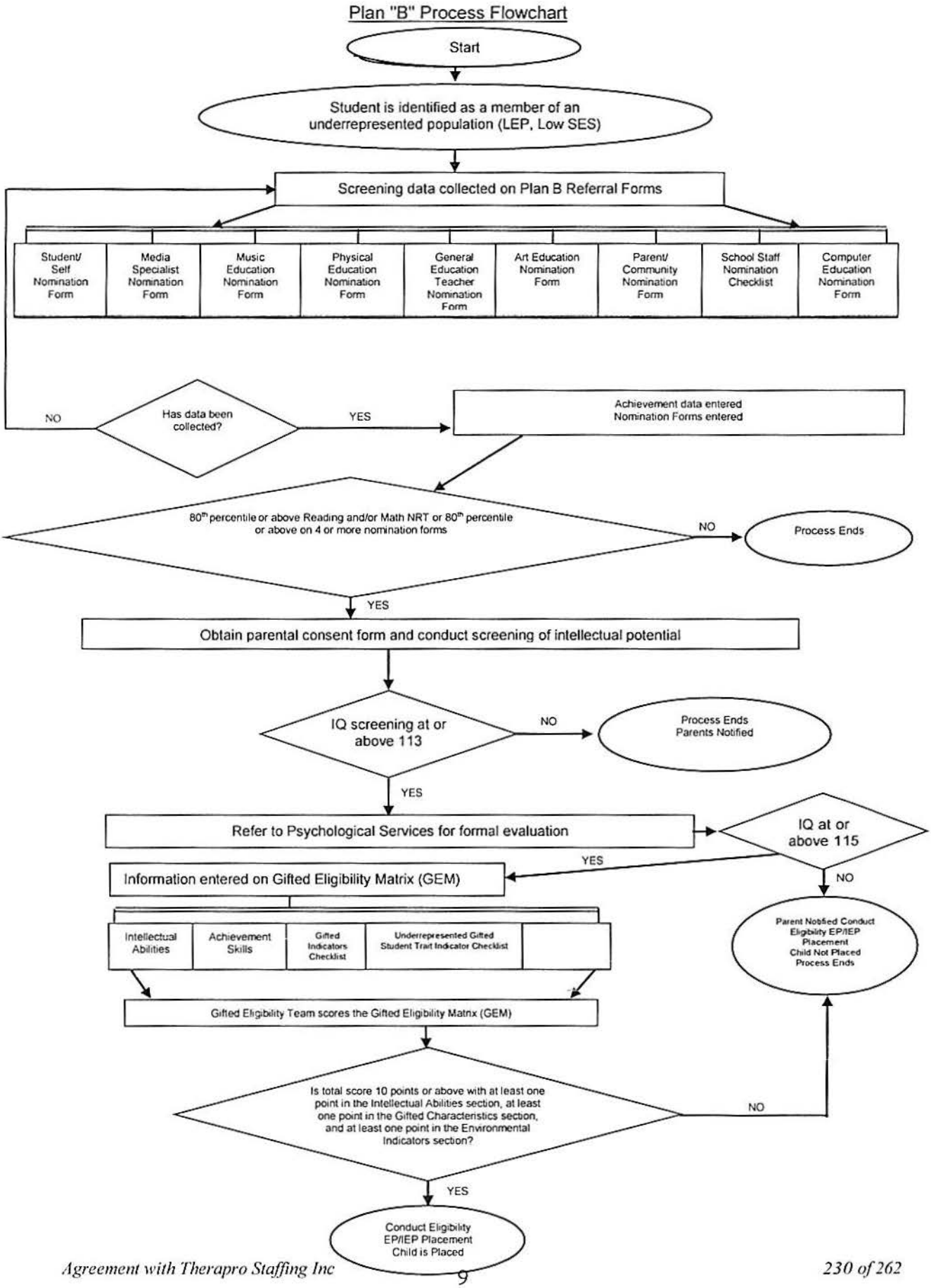
Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.

- Assurance is hereby provided that alternative criteria will be implemented as approved.

- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.

- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.


Plan "B" Process Flowchart
Start
Student is identified as a member of an underrepresented population (LEP, Low SES)
Screening data collected on Plan B Referral Forms
Student/ Self Nomination Form
Media Specialist Nomination Form
Music Education Nomination Form
Physical Education Nomination Form
General Education Teacher Nomination Form
Art Education Nomination Form
Parent/ Community Nomination Form
School Staff Nomination Checklist
Computer Education Nomination Form
Has data been collected?
NO
YES
Achievement data entered
Nomination Forms entered
80th percentile or above Reading and/or Math NRT or 80th percentile or above on 4 or more nomination forms
NO
Process Ends
YES
Obtain parental consent form and conduct screening of intellectual potential
IQ screening at or above 113
NO
Process Ends
Parents Notified
YES
Refer to Psychological Services for formal evaluation
IQ at or above 115
YES
NO
Information entered on Gifted Eligibility Matrix (GEM)
Intellectual Abilities
Achievement Skills
Gifted Indicators Checklist
Underrepresented Gifted Student Trait Indicator Checklist
Parent Notified Conduct Eligibility EP/IEP Placement Child Not Placed Process Ends
Gifted Eligibility Team scores the Gifted Eligibility Matrix (GEM)
Is total score 10 points or above with at least one point in the Intellectual Abilities section, at least one point in the Gifted Characteristics section, and at least one point in the Environmental Indicators section?
NO
YES
Conduct Eligibility EP/IEP Placement Child is Placed

Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

	Points Earned	**Points Possible**	**Points Needed**	**Score ≥ 80%**
(A) Parent/Community	_____	15	(12)	_____Yes_____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes_____No
(C) General Education Teacher	_____	10	(8)	_____Yes_____No
(D) School Staff	_____	10	(8)	_____Yes_____No
(E) Media Specialist	_____	10	(8)	_____Yes_____No
(F) Computer Education	_____	10	(8)	_____Yes_____No
(G) Physical Education	_____	10	(8)	_____Yes_____No
(H) Art Education	_____	10	(8)	_____Yes_____No
(I) Music Education	_____	10	(8)	_____Yes_____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used:	Standard Score	Scored ≥ 113
_____	_____	_____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____

2. Displays a sense of humor; makes others laugh; tells jokes _____

3. Is involved in many school activities _____

4. Has the ability to influence others, positively or negatively _____

5. Tends to dominate others _____

6. Asks a lot of questions _____

7. Shows self-confidence _____

8. Is a risk taker _____

9. Has a good imagination _____

10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____

2. Learns quickly (e.g., grasps and applies techniques) _____

3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____

4. Is good at detailed work _____

5. Shows originality in ideas _____

6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____

7. Enjoys art; tends to expand on basic instructions _____

8. Likes to do "own thing" rather than follow instructions _____

9. Shows greater depth, more complete understanding of subject matter _____

10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____
2. Responds quickly to musical training _____
3. Displays exceptional talent with voice _____
4. Displays exceptional talent on an instrument _____
5. Plays "by ear" or sings on first or second hearing _____
6. Plays more than one instrument _____
7. Improvises or innovates on instrument and/or voice _____
8. Demonstrates sense of rhythm _____
9. Becomes absorbed in music; either performing or listening _____
10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
Yes Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) _____					

*Socio-economic status

Total Score

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C_____ **X 4 =** _____
#in O_____ **X 3 =** _____
#in S_____ **X 2 =** _____
#in R_____ **X 1 =** _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C_____ **X 4 =** _____
#in O_____ **X 3 =** _____
#in S_____ **X 2 =** _____
#in R_____ **X 1 =** _____
Total Points CREATIVITY: _____

This student exhibits this behavior

	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ X 4 = _____

#in O_____ X 3 = _____

#in S_____ X 2 = _____

#in R_____ X 1 = _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

LIST DOMAIN_____TOTAL POINTS = | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

THERAPRO STAFFING INC
(hereinafter referred to as "Business Associate"),
whose principal place of business is
7477 San Sebastian Drive
Boca Raton, Florida 33433

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. **Obligations and Activities of Business Associate Regarding PHI.**

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

*(a) **Term.*** This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

*(b) **Termination for Convenience.*** This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

*(c) **Termination for Cause by SBBC.*** Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:
Superintendent of Schools
The School Board of Broward County, Florida
600 Southeast 3rd Avenue
Fort Lauderdale, Florida 33301

With a Copy to:
Executive Director, ESLS Division
The School Board of Broward County, Florida
1701 NW 23rd Avenue
Fort Lauderdale, Florida 33301

Privacy Officer
Risk Management Department
The School Board of Broward County, Florida
600 S.E. 3rd Avenue, 11th Floor
Ft. Lauderdale, FL 33301

To Business Associate:
Tova Stulberger
Therapro Staffing Inc
7477 San Sebastian Drive
Boca Raton, Florida 33433

[THIS SPACE IS INTENTIONALLY LEFT BLANK]

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: Therapro Staffing Inc - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.11 08:43:06 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

THERAPRO STAFFING INC

Nora Stulberger
Signature

By: Tova Stulberger, Owner
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5.20.20 (*date*) by Tova Stulberger, owner (*name of officer or agent, title of officer or agent*) of Therapro Staffing Inc (*name of corporation acknowledging*), a Florida (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☒ personally known to me or has produced _____ (*type of identification*) as identification and who ☒ did/☐ did not first take an oath this 20th day of May, 2020.

My Commission Expires:

Signature – Notary Public

Sara Glazer
Notary's Printed Name

(SEAL)

SARA GLAZER
Commission # GG 134530
Expires August 21, 2021
Bonded Thru Budget Notary Services

#GG134530
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

AGREEMENT

THIS AGREEMENT is made and entered into as of this 23rd day of June, 2020, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

TX SOURCE, INC.
(hereinafter referred to as
"VENDOR"), whose principal place of
business is 5215 Militia Hill Road,
Suite A Plymouth Meeting,
Pennsylvania 19462

WHEREAS, SBBC issued a Request for Proposal identified as RFP FY21-007 – Speech-Language Pathology and Audiology Services (hereinafter referred to as "RFP"), dated November 14, 2019, and amended by Addendum No. 2, dated December 2, 2019, and Addendum No. 1, dated November 14, 2019, all of which are incorporated by reference herein, for the purpose of receiving proposals for speech-language pathology and audiology services; and

WHEREAS, VENDOR offered a proposal dated December 5, 2019 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to this RFP.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals**. The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Term of Agreement**. Unless terminated earlier pursuant to Section 3.05 of this Agreement, the term of this Agreement shall commence on **July 1, 2020,** and conclude on **June 30, 2023.** The term of the Agreement may, by mutual agreement between SBBC and VENDOR, be extended for two additional one-year periods and, if needed, 180 days beyond the expiration date of the renewal period. SBBC's Procurement & Warehousing Services Department, will, if considering renewing, request a letter consenting to renewal from VENDOR, prior to the end of the term. Any renewal period shall be approved by an Amendment to this Agreement executed by both parties.

2.02 **Description of Services Provided**. VENDOR shall provide SBBC with the Scope of Services in its Proposal and in compliance with this Agreement, the RFP and its Addenda, and as specified in **Attachment A – Scope of Services**.

2.03 **Priority Documents.** In the event of a conflict between documents, the following priority of documents shall govern.

First: This Agreement, then;
Second: Addendum No. 2, then;
Third: Addendum No. 1, then;
Fourth: RFP FY21-008 – Speech-Language Pathology and Audiology Services, then;
Fifth: Proposal submitted in response to the RFP by VENDOR.

2.04 **Cost and Payment.**

(a) SBBC shall pay VENDOR for the cost of services satisfactorily rendered by a speech-language pathologist at a rate not-to-exceed Fifty-Eight Dollars and 00/100 Cents ($58.00) per hour and a school audiologist at a rate not-to-exceed Fifty-Nine Dollars and 00/100 Cents ($59.00) per hour. VENDOR shall submit to the Exceptional Student Learning Support (ESLS) Department, Arthur Ashe Campus, 1701 NW 23rd Avenue, Fort Lauderdale, Florida 33311, an appropriate invoice to be paid net thirty (30) calendar days after the issuance of the same invoice.

(b) Costs shall not exceed the total amount as stated on the Purchase Order(s). VENDOR may offer, at any time to SBBC, a special educational discount for pricing and/or reduce the cost of services during the term of this Agreement. VENDOR may invoice SBBC at an hourly rate less than its original bid price at any time during the term of this Agreement.

2.05 **SBBC Disclosure of Education Records.**

(a) SBBC will provide the speech-language pathologist and school audiologist with access to the Ed Plan and Accelify electronic database/management systems, contingent upon the individual therapist being assigned an SBBC school by Exceptional Student Learning Support (ESLS) Related Services Office. Access will be limited only to records of SBBC students enrolled at the assigned school who have speech-language and/or audiology services on their Individual Education Plan (IEP) and limited only to staff involved in developing and implementing the IEP, and providing the services listed in this Agreement. The speech-language pathologist and school audiologist will utilize the records to develop the IEP, and the individual therapist must be aware of pertinent medical, emotional, and behavioral needs of the students to provide effective speech-language pathology and audiology services and treatment. The records will also be used to determine what assessments to administer, and to ensure a Plan of Care (POC) is in place prior to treatment.

(b) The following records from Ed Plan and Accelify will be accessed by the individual therapist:
1) Individual Education Plan (IEP)
2) Consent for Evaluation/Re-evaluation
3) Functional Behavior Assessment/Positive Behavior Intervention Plan
4) Plan of Care (POC)
5) Progress reports
6) Case Notes
7) Medical Records, including but not limited to, physician's script for evaluation and treatment, and private provider evaluation report(s).
8) Any other document necessary for the provision of a Free Appropriate Public Education

(c) The individual service provider, assigned by VENDOR, is considered a "school official" with a legitimate educational interest to receive the aforementioned types of information from SBBC student education records for the purposes listed above. Pursuant to the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99.31(a)(1), these records may be provided without prior parental consent. Prior written consent of the parent or student age 18 or over is needed for any types or purposes of disclosures of education records beyond those listed in this section.

2.06 **VENDOR Confidentiality of Education Records.**

(a) Notwithstanding any provision to the contrary within this Agreement, VENDOR shall:

1) fully comply with the requirements of Sections 1002.22, 1002.221, and 1002.222, Florida Statutes; the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g (FERPA) and its implementing regulations (34 C.F.R. Part 99), and any other state or federal law or regulation regarding the confidentiality of student information and records;

2) hold any education records in strict confidence and not use or redisclose same except as required by this Agreement or as required or permitted by law unless the parent of each student or a student age 18 or older whose education records are to be shared provides prior written consent for their release;

3) ensure that, at all times, all of its employees who have access to any education records during the term of their employment shall abide strictly by its obligations under this Agreement, and that access to education records is limited only to its employees that require the information to carry out the responsibilities under this Agreement and shall provide said list of employees to SBBC upon request;

4) safeguard each education record through administrative, physical and technological safety standards to ensure that adequate controls are in place to protect the education records and information in accordance with FERPA's privacy requirements;

5) utilize the education records solely for the purposes of providing products and services as contemplated under this Agreement; and shall not share, publish, sell, distribute, target advertise, or display education records to any third party;

6) notify SBBC immediately upon discovery of a breach of confidentiality of education records by telephone at 754-321-0300 (Manager, Information Security), and 754-321-1900 (Privacy Officer), and email at privacy@browardschools.com, and take all necessary notification steps as may be required by federal and Florida law, including, but not limited to, those required by Section 501.171, Florida Statutes;

7) fully cooperate with appropriate SBBC staff, including Privacy Officer and/or Information Technology staff to resolve any privacy investigations and concerns in a timely manner;

8) prepare and distribute, at its own cost, any and all required breach notifications, under federal and Florida Law, or reimburse SBBC any direct costs incurred by SBBC for doing so, including, but not limited to, those required by Section 501.171, Florida Statutes;

9) be responsible for any fines or penalties for failure to meet breach notice requirements pursuant to federal and/or Florida law;

10) provide SBBC with the name and contact information of its employee who shall serve as SBBC's primary security contact and shall be available to assist SBBC in resolving obligations associated with a security breach of confidentiality of education records; and

11) securely erase education records from any media once any media equipment is no longer in use or is to be disposed; secure erasure will be deemed the deletion of the education records using a single pass overwrite Secure Erase (Windows) or Wipe (Unix).

(b) All education records shall remain the property of SBBC, and any party contracting with SBBC serves solely as custodian of such information pursuant to this Agreement and claims no ownership or property rights thereto and, upon termination of this Agreement shall, at SBBC's request, return to SBBC or dispose of the education records in compliance with the applicable Florida Retention Schedules and provide SBBC with a written acknowledgment of said disposition.

(c) VENDOR shall, for itself, its officers, employees, agents, representatives, contractors or subcontractors, fully indemnify and hold harmless SBBC and its officers and employees for any violation of this section, including, without limitation, defending SBBC and its officers and employees against any complaint, administrative or judicial proceeding, payment of any penalty imposed upon SBBC, or payment of any and all costs, damages, judgments or losses incurred by or imposed upon SBBC arising out of a breach of this covenant by the party, or an officer, employee, agent, representative, contractor, or sub-contractor of the party to the extent that the party or an officer, employee, agent, representative, contractor, or sub-contractor of the party shall either intentionally or negligently violate the provisions of this section or of Sections 1002.22 and/or 1002.221, Florida Statutes. This section shall survive the termination of all performance required or conclusion of all obligations existing under this Agreement.

2.07 **HIPAA Compliance**. VENDOR acknowledges that the Health Insurance Portability and Accountability Act ("HIPAA") and the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act") (HIPAA and HITECH Act are collectively referred to herein as "HIPAA") protect the privacy of protected health information ("PHI") and may be applicable to student records in certain circumstances, and shall enter into SBBC's HIPAA Business Associate Agreement ("BAA") attached as **Attachment B**. PHI may be used and disclosed only in compliance with HIPAA.

2.08 **Inspection of VENDOR's Records by SBBC**. VENDOR shall establish and maintain books, records, and documents (including electronic storage media) sufficient to reflect all income and expenditures of funds provided by SBBC under this Agreement. All VENDOR's applicable records, regardless of the form in which they are kept, shall be open to inspection and subject to audit, inspection, examination, evaluation and/or reproduction, during normal working hours, by SBBC's agent or its authorized representative to permit SBBC to evaluate, analyze and verify the satisfactory performance of the terms and conditions of this Agreement and to evaluate, analyze and verify the applicable business records of VENDOR directly relating to this Agreement in order to verify the accuracy of invoices provided to SBBC. Such audit shall be no more than one (1) time per calendar year.

(a) Duration of Right to Inspect. For the purpose of such audits, inspections, examinations, evaluations and/or reproductions, SBBC's agent or authorized representative shall have access to VENDOR's records from the effective date of this Agreement, for the duration of the term of this Agreement, and until the later of five (5) years after the termination of this Agreement or five (5) years after the date of final payment by SBBC to VENDOR pursuant to this Agreement.

(b) Notice of Inspection. SBBC's agent or its authorized representative shall provide VENDOR reasonable advance written notice (not to exceed two (2) weeks) of any intended audit, inspection, examination, evaluation, and or reproduction.

(c) Audit Site Conditions. SBBC's agent or its authorized representative shall have access to VENDOR's facilities and to any and all records related to this Agreement, and shall be provided adequate and appropriate workspace in order to exercise the rights permitted under this section.

(d) Failure to Permit Inspection. Failure by VENDOR to permit audit, inspection, examination, evaluation, and/or reproduction as permitted under this section shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for SBBC's denial of some or all of any VENDOR's claims for payment.

(e) Overcharges and Unauthorized Charges. If an audit conducted in accordance with this section discloses overcharges or unauthorized charges to SBBC by VENDOR in excess of two percent (2%) of the total billings under this Agreement, the actual cost of SBBC's audit shall be paid by VENDOR. If the audit discloses billings or charges to which VENDOR is not contractually entitled, VENDOR shall pay said sum to SBBC within twenty (20) days of receipt of written demand unless otherwise agreed to in writing by both parties.

(f) Inspection of Subcontractor's Records. If applicable, VENDOR shall require any and all subcontractors, insurance agents and material suppliers (hereafter referred to as "Payees") providing services or goods with regard to this Agreement to comply with the requirements of this section by insertion of such requirements in any written subcontract. Failure by VENDOR to include such requirements in any subcontract shall constitute grounds for termination of this Agreement by SBBC for cause and shall be grounds for the exclusion of some or all of any Payees' costs from amounts payable by SBBC to VENDOR pursuant to this Agreement, and such excluded costs shall become the liability of VENDOR.

(g) Inspector General Audits. VENDOR shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Florida Office of the Inspector General or by any other state or federal officials.

2.09 **Notice.** When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. Mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the Parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast Third Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
To VENDOR:	Joshua Cartagenova, CEO Therapy Source, Inc. d/b/a TX Source, Inc. 5215 Militia Hill Road Suite A Plymouth Meeting, Pennsylvania 19462
With a Copy to:	Phil Puleo, National Director of Strategic Growth Therapy Source, Inc. d/b/a TX Source, Inc. 5215 Militia Hill Road Suite A Plymouth Meeting, Pennsylvania 19462

2.10 **Background Screening.** VENDOR shall comply with all requirements of Sections 1012.32 and 1012.465, Florida Statutes, and all of its personnel who (1) are to be permitted access to school grounds when students are present, (2) will have direct contact with students, or (3) have access or control of school funds, will successfully complete the background screening required by the referenced statutes and meet the standards established by the statutes. This background screening will be conducted by SBBC in advance of VENDOR or its personnel, providing any services under the conditions described in the previous sentence. VENDOR shall bear the cost of acquiring the background screening required by Section 1012.32, Florida Statutes, and any fee

imposed by the Florida Department of Law Enforcement to maintain the fingerprints provided with respect to VENDOR and its personnel. The parties agree that the failure of VENDOR to perform any of the duties described in this section shall constitute a material breach of this Agreement entitling SBBC to terminate immediately with no further responsibilities or duties to perform under this Agreement. VENDOR agrees to indemnify and hold harmless SBBC, its officers, and employees from any liability in the form of physical or mental injury, death, or property damage resulting from VENDOR's failure to comply with the requirements of this section or with Sections 1012.32 and 1012.465, Florida Statutes.

2.11 **Public Records.** The following provisions are required by Section 119.0701, Florida Statutes, and may not be amended. VENDOR shall keep and maintain public records required by SBBC to perform the services required under this Agreement. Upon request from SBBC's custodian of public records, VENDOR shall provide SBBC with a copy of any requested public records or to allow the requested public records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law. VENDOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement's term and following completion of the Agreement if VENDOR does not transfer the public records to SBBC. Upon completion of the Agreement, VENDOR shall transfer, at no cost, to SBBC all public records in possession of VENDOR or keep and maintain public records required by SBBC to perform the services required under the Agreement. If VENDOR transfers all public records to SBBC upon completion of the Agreement, VENDOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If VENDOR keeps and maintains public records upon completion of the Agreement, VENDOR shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to SBBC, upon request from SBBC's custodian of public records, in a format that is compatible with SBBC's information technology systems.

IF A PARTY TO THIS AGREEMENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO ITS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 754-321-1900, RECORDREQUESTS@BROWARDSCHOOLS.COM, RISK MANAGEMENT DEPARTMENT, PUBLIC RECORDS DIVISION, 600 SOUTHEAST THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33301.

2.12 **Liability**. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

(a) By SBBC: SBBC agrees to be fully responsible up to the limits of Section 768.28, Florida Statutes, for its acts of negligence, or its employees' acts of negligence when acting within the scope of their employment and agrees to be liable, up to the limits of Section 768.28, Florida Statutes, for any damages resulting from said negligence.

(b) By VENDOR: VENDOR agrees to indemnify, hold harmless and defend SBBC, its agents, servants, and employees from any and all claims, judgments, costs, and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which SBBC, its agents, servants, and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by VENDOR, its agents, servants or employees; the equipment of VENDOR, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of VENDOR or the negligence of VENDOR's agents when acting within the scope of their employment, whether such claims, judgments, costs, and expenses be for damages, damage

to property including SBBC's property, and injury or death of any person whether employed by VENDOR, SBBC or otherwise.

2.13 **Insurance Requirements**. VENDOR shall comply with the following insurance requirements throughout the term of this Agreement:

(a) General Liability. VENDOR shall maintain General Liability insurance during the term of this Agreement with limits not less than $1,000,000 per occurrence for Bodily Injury/ Property Damage; $1,000,000 General Aggregate; and limits not less than $1,000,000 for Products/Completed Operations Aggregate.

(b) Professional Liability/Errors & Omissions. VENDOR shall maintain Professional Liability/Errors & Omissions insurance during the term of this Agreement with a limit of not less than $1,000,000 per occurrence covering services provided under this Agreement.

(c) Workers' Compensation. VENDOR shall maintain Workers' Compensation insurance during the term of this Agreement in compliance with the limits specified in Chapter 440, Florida Statutes, and Employer's Liability limits shall not be less than $100,000/$100,000/$500,000 (each accident/disease-each employee/disease-policy limit).

(d) Auto Liability. VENDOR shall maintain Owned, Non-Owned, and Hired Auto Liability insurance with Bodily Injury and Property Damage limits of not less than $1,000,000 Combined Single Limit.

(e) Acceptability of Insurance Carriers. The insurance policies required under this Agreement shall be issued by companies qualified to do business in the State of Florida and has a rating of at least A- VI by AM Best or Aa3 by Moody's Investor Service.

(f) Verification of Coverage. Proof of the required insurance must be furnished by VENDOR to SBBC's Risk Management Department by Certificate of Insurance within fifteen (15) days of the date of this Agreement. To streamline this process, SBBC has partnered with EXIGIS Risk Management Services to collect and verify insurance documentation. All certificates (and any required documents) must be received and approved by SBBC's Risk Management Department before any work commences to permit VENDOR to remedy any deficiencies. VENDOR must verify its account information and provide contact details for its Insurance Agent via the link provided to it by email.

(g) Required Conditions. Liability policies must include the following terms on the Certificate of Insurance:

1) The School Board of Broward County, Florida, its members, officers, employees, and agents are added as additional insured.

2) All liability policies are primary of all other valid and collectible coverage maintained by The School Board of Broward County, Florida.

3) Certificate Holder: The School Board of Broward County, Florida, c/o EXIGIS Risk Management Services, P.O. Box 4668-ECM, New York, New York 10163-4668.

(h) Cancellation of Insurance. VENDOR is prohibited from providing services under this Agreement with SBBC without the minimum required insurance coverage and must notify SBBC within two (2) business days if required insurance is canceled.

(i) SBBC reserves the right to review, reject, or accept any required policies of insurance, including limits, coverage, or endorsements, herein throughout the term of this Agreement.

2.14 **Nondiscrimination**.

(a) As a condition of entering into this Agreement, VENDOR represents and warrants that it will comply with the SBBC's Commercial Nondiscrimination Policy, as described under Section D.1 of SBBC's Policy No. 3330 – Supplier Diversity Outreach Program.

(b) As part of such compliance, VENDOR shall not discriminate on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or on the basis of disability or other unlawful forms of discrimination in the solicitation, selection, hiring, or commercial treatment of subcontractors, vendors, suppliers, or commercial customers, nor shall VENDOR retaliate against any person for reporting instances of such discrimination. VENDOR shall provide equal opportunity for subcontractors, vendors, and suppliers to participate in all of its public sector and private sector subcontracting and supply opportunities, provided that nothing contained in this clause shall prohibit or limit otherwise lawful efforts to remedy the effects of marketplace discrimination that have occurred or are occurring in the SBBC's relevant marketplace. VENDOR understands and agrees that a material violation of this clause shall be considered a material breach of this Agreement and may result in termination of this Agreement, disqualification of the company from participating in SBBC Agreements, or other sanctions. This clause is not enforceable by or for the benefit of and creates no obligation to, any third party.

2.15 **Annual Appropriation**. The performance and obligations of SBBC under this Agreement shall be contingent upon an annual budgetary appropriation by its governing body. If SBBC does not allocate funds for the payment of services or products to be provided under this Agreement, this Agreement may be terminated by SBBC at the end of the period for which funds have been allocated. SBBC shall notify the other party at the earliest possible time before such termination. No penalty shall accrue to SBBC in the event this provision is exercised, and SBBC shall not be obligated or liable for any future payments due or any damages as a result of termination under this section.

2.16 **Excess Funds**. Any party receiving funds paid by SBBC under this Agreement agrees to promptly notify SBBC of any funds erroneously received from SBBC upon the discovery of such erroneous payment or overpayment. Any such excess funds shall be refunded to SBBC.

2.17 **Incorporation by Reference**. **Attachment A** and **Attachment B** attached hereto and referenced herein shall be deemed to be incorporated into this Agreement by reference.

ARTICLE 3 – GENERAL CONDITIONS

3.01 **No Waiver of Sovereign Immunity**. Nothing herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or of any rights or limits to liability existing under Section 768.28, Florida Statutes. This section shall survive the termination of all performance or obligations under this Agreement and shall be fully binding until such time as any proceeding brought on account of this Agreement is barred by any applicable statute of limitations.

3.02 **No Third Party Beneficiaries**. The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement.

3.03 **Independent Contractor**. The parties to this Agreement shall at all times be acting in the capacity of independent contractors and not as an officer, employee or agent of one another. Neither party or its respective agents, employees, subcontractors or assignees shall represent to others that it has the authority to bind the other party unless specifically authorized in writing to do so. No right to SBBC retirement, leave

benefits or any other benefits of SBBC employees shall exist as a result of the performance of any duties or responsibilities under this Agreement. SBBC shall not be responsible for social security, withholding taxes, contributions to unemployment compensation funds or insurance for the other party or the other party's officers, employees, agents, subcontractors or assignees.

3.04 **Default**. The parties agree that, in the event that either party is in default of its obligations under this Agreement, the non-defaulting party shall provide to the defaulting party (30) calendar days written notice to cure the default. However, in the event said default cannot be cured within said thirty (30) calendar day period and the defaulting party is diligently attempting in good faith to cure same, the time period shall be reasonably extended to allow the defaulting party additional cure time. Upon the occurrence of a default that is not cured during the applicable cure period, this Agreement may be terminated by the non-defaulting party upon thirty (30) calendar days' notice. This remedy is not intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or future exercise thereof. Nothing in this section shall be construed to preclude termination for convenience pursuant to Section 3.05.

3.05 **Termination**. This Agreement may be canceled with or without cause by SBBC during the term hereof upon thirty (30) calendar days written notice to the other parties of its desire to terminate this Agreement. In the event of such termination, SBBC shall be entitled to a *pro rata* refund of any pre-paid amounts for any services scheduled to be delivered after the effective date of such termination. SBBC shall have no liability for any property left on SBBC's property by any party to this Agreement after the termination of this Agreement. Any party contracting with SBBC under this Agreement agrees that any of its property placed upon SBBC's facilities pursuant to this Agreement shall be removed within ten (10) business days following the termination, conclusion or cancellation of this Agreement and that any such property remaining upon SBBC's facilities after that time shall be deemed to be abandoned, title to such property shall pass to SBBC, and SBBC may use or dispose of such property as SBBC deems fit and appropriate.

3.06 **Compliance with Laws**. Each party shall comply with all applicable federal, state, and local laws, SBBC policies, codes, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this Agreement.

3.07 **Place of Performance**. All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida, and shall be payable and performable in Broward County, Florida.

3.08 **Governing Law and Venue**. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted exclusively to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida or to the jurisdiction of the United States District Court for the Southern District of Florida. Each party agrees and admits that the state courts of the Seventeenth Judicial Circuit of Broward County, Florida, or the United States District Court for the Southern District of Florida shall have jurisdiction over it for any dispute arising under this Agreement.

3.09 **Entirety of Agreement**. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

3.10 **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

3.11 **Assignment**. Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement, including, without limitation, the partial assignment of any right to receive payments from SBBC.

3.12 **Captions**. The captions, section designations, section numbers, article numbers, titles and headings appearing in this Agreement are inserted only as a matter of convenience, have no substantive meaning, and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way affect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

3.13 **Severability**. In the event that any one or more of the sections, paragraphs, sentences, clauses or provisions contained in this Agreement is held by a court of competent jurisdiction to be invalid, illegal, unlawful, unenforceable or void in any respect, such shall not affect the remaining portions of this Agreement and the same shall remain in full force and effect as if such invalid, illegal, unlawful, unenforceable or void sections, paragraphs, sentences, clauses or provisions had never been included herein.

3.14 **Preparation of Agreement**. The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

3.15 **Amendments**. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by each party hereto.

3.16 **Waiver**. The parties agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

3.17 **Force Majeure**. Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

3.18 **Survival**. All representations and warranties made herein, indemnification obligations, obligations to reimburse SBBC, obligations to maintain and allow inspection and audit of records and property, obligations to maintain the confidentiality of records, reporting requirements, and obligations to return public funds shall survive the termination of this Agreement.

3.19 **Agreement Administration**. SBBC has delegated authority to the Superintendent of Schools or his/her designee to take any actions necessary to implement and administer this Agreement.

3.20 **Counterparts and Multiple Originals**. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

3.21 **Authority**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date first above written.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: TX Source, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.16 16:09:37 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR VENDOR:

(Corporate Seal)

TX SOURCE, INC.

ATTEST:

By _____

_____, Secretary

Print Name: Joshua Cartagenova

-or-

Title: CEO

C. Washington
Witness

Sandy Costa
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Pennsylvania

COUNTY OF Montgomery

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 16, 2020 (*date*) by Joshua Cartagenova CEO (*name of officer or agent, title of officer or agent*) of TX Source, Inc (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced (Known) (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 16th day of June, 2020.

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal
RACHEL OSTAFI, Notary Public
Montgomery County
My Commission Expires December 5, 2022
Commission Number 1334382

(SEAL)

Signature – Notary Public

Rachel Ostafi
Notary's Printed Name

1334382
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

1. VENDOR shall offer services for speech-language pathologist(s) and/or audiologist(s) that hold a current, active professional license in speech-language pathology or audiology according to Florida law issued by the Department of Health from the State of Florida, Board of Speech-Language Pathology/Audiology and shall provide SBBC with copies of a current active professional license and certifications in speech-language pathology and/or audiology prior to acceptance for placement.

2. VENDOR shall not hire any individual who is currently employed part-time or full-time by SBBC as a speech-language pathologist or audiologist until the completion of the school year. VENDOR also agrees to hold harmless any individual employed by them who elects to become employed by SBBC in the school year following the expiration date of the current contract school year.

3. VENDOR agrees that all speech-language pathologists and/or audiologists, who shall be providing services under this Agreement, shall be articulate in oral and written English.

4. VENDOR agrees that all speech-language pathologists and audiologists, under this Agreement, shall pass the screening of the Special Investigative Unit (SIU) Department prior to placement of assignment as required by the School Board of Broward County, Florida. (See General Condition 7.39, SBBC Photo Identification Badge of the RFP). All speech-language pathologists and/or audiologists shall utilize the STAR system and/or sign-in/out procedures (if the STAR system is not available) to document attendance at the assigned location.

5. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow the policies and procedures for the referral, identification, screening, evaluation, eligibility, placement, and dismissal of students with speech-language or hearing impairments as provided in the document Special Programs and Procedures by the ESLS Division. A copy of this 233-page document is provided as **Exhibit 1** – Exceptional Student Education Policies and Procedures.

6. VENDOR agrees that speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall follow procedures for completing required documentation for student attendance, student progress and reporting to parents, reimbursement for Medicaid funding, and other procedures as indicated by the Special Programs and Procedures document and ESLS Division.

7. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall allow District administrative staff as well as teacher-based resource personnel to review required documentation and observe all provided services.

8. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) providing services under this Agreement shall submit, for approval to the school principal or designee, any written communication intended for parents and teachers.

9. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall follow all rules and procedures as contained in the employee handbooks of the individual school and/or district. The speech-language pathologist(s) and/or audiologist(s) shall refrain from using school equipment (such as phones, copiers, computers, etc.) for personal or commercial business during service times.

10. VENDOR agrees that the speech-language pathologist(s) and/or audiologist(s) under this Agreement shall complete such records as shall be required to document services provided on a daily basis. VENDOR shall submit timesheets and other documentation needed to substantiate payment through the approved electronic database and/or paper log. In order to ensure timely payment, VENDOR shall submit accurate timesheets of service in accordance with the training they receive.

11. VENDOR shall have all new providers use and submit an approved District template to log services until training takes place for the electronic system if applicable. Individual providers shall utilize the approved template until such time as they are trained in the electronic database system. Immediately following training all providers/awardees shall transfer the data from the district template into the electronic database system and forward the original hard copy to the School Medicaid Office, Arthur Ashe Campus, via the interoffice mail system (pony).

12. VENDOR agrees that the ESLS Division reserves the right to interview all speech-language pathologist(s) and/or audiologist(s) prior to placement. Also, ESLS Division reserves the right to refuse to utilize any given speech-language pathologist(s) and/or audiologist(s) if it is in their best interest to do so.

13. All Speech-Language Pathologists shall attend two (2) scheduled policies/procedures meetings, considered as part of their workday, of not less than three (3) hours as determined by the District. These meetings shall include but are not limited to, general information on these policies and procedures of the Broward County Special Programs and Procedures, the rights of students with disabilities, and other operational procedures required to carry out the therapy program. Therapists shall incorporate any canceled service sessions due to meeting times into their schedules.

14. VENDOR shall provide speech-language pathologists and/or audiologists who agree to provide therapy services throughout the District at all times and locations designated by SBBC. SBBC reserves the right to request a change in times and locations of services provided by the Awardee(s) (consistent with the written agreement for days and hours worked), during the course of an assignment. Services shall be provided up to seven (7) hours per day on regular student attendance days. Services provided on employee planning days and early release days shall be pre-approved in writing by an authorized representative of the ESLS Division.

15. VENDOR shall provide the requested services within five (5) school days of verbal/written notice of an assignment by SBBC.

16. The audiologist services shall (a) determine the type and degree of hearing impairment and shall implement habilitation and rehabilitation services for the student, (b) administers and interprets a variety of tests, such as air and bone conduction, and speech reception and discrimination tests, to determine type and degree of hearing impairment, site of damage, and effects on comprehension and speech, (c) evaluates test results in relation to behavioral, social, educational, and medical information obtained from patients, families, teachers, speech pathologists, and other professionals to determine communication problems related to hearing disability, and (d) plans and implements prevision, habilitation, or rehabilitation services, including hearing aid selection and orientation, counseling, auditory training, lip reading, language habilitation, speech conservation, and other treatment programs developed in consultation with speech pathologists and other professionals.

17. Clinical Fellowship Year (CFY) candidates with a provisional license will be considered for a school assignment if the VENDOR agrees to provide all supervisory and support requirements for the candidate.

18. VENDOR shall ensure that any interruption of services due to the provider being "unavailable" or "absent" shall be made up and shall be documented in the electronic database system as a "make-up" session.

19. VENDOR shall provide the required English Limited Learner (ELL) training to all candidates assigned to a school site. Training can be provided via the VENDOR's process or via the district's training for a minimal cost. Training shall comply with the requirements of the Florida Consent Decree (the civil rights of ELL students) and the Multicultural Education, Training, and Advocacy (META) Agreement.

20. SBBC's ESLS Department, Related Services, reserves the right to rescind a school assignment of an awarded vendor at their discretion with or without cause.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FLORIDA DEPARTMENT OF EDUCATION

DIVISION OF K-12 PUBLIC SCHOOLS

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

School District

Broward

EXCEPTIONAL STUDENT EDUCATION POLICIES AND PROCEDURES (SP&P)

EFFECTIVE DATE:

2018- 2019 through 2020-2021

SP&P SIGNATURE PAGE

School District: Broward
Administrator of Exceptional Student Education: Dr. Antoine L. Hickman
This document is effective for the **2018-2019 through 2020-2021** school years.

CERTIFICATION OF APPROVAL

I, Robert W. Runcie, do hereby certify that each of the statements below are true:

Robert W. Runcie — 5/28/19

Signature of Superintendent of School District or Authorized Representative of Governing Body or Agency — Date of Approval

SPECIAL PROGRAMS AND PROCEDURES

The district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document was approved by the governing body for submission to the Florida Department of Education on the date indicated.

The contents of this document preprinted by the Florida Department of Education have not been altered in any way.

The school district shall implement the requirements of any statutes or State Board of Education rules affecting programs for exceptional students during the effective dates of this document.

The school district shall implement the requirements of the Individuals with Disabilities Education Act (IDEA) and its implementing requirements at Section 300 of Title 34 of the Code of Federal Regulations.

SCHOOL DISTRICT POLICIES AND PROCEDURES

Any district-produced policy and procedures documents that meet the following criteria have been submitted to the Florida Department of Education with the SP&P. Such documents:

- Supplement the information contained in the district's SP&P
- Address school district exceptional student education procedures or policies
- Are adopted by the school board as school district policy

TABLE OF CONTENTS

Part I. General Policies and Procedures

Section A.1:	Legal Requirements	2
Section A.2.:	Legal Requirement Related to the Use of Restraint and Seclusion	3
Section A.3.:	Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion	5
Section A.4:	District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion	6
Section A.5:	District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)	8
Section A.6:	District Plan Related to Reducing the Use of Restraint	11
Section A.7:	District Plan Related to reducing the Use of Seclusion	15
Section B.1:	Assurances – Free Appropriate Public Education (FAPE)	18
Section B.2:	Parental Input and Meetings	19
Section B.3:	Collaboration of Public and Private Instructional Personnel	20
Section B.4:	Department of Juvenile Justice Facilities	22
Section B.5:	Florida Educational Finance Program (FEFP) Funds	26
Section B.6:	Limited English Proficiency (LEP) Students	28
Section B.7:	Child Find	29
Section B.8:	Confidentiality of Student Records	30
Section B.9:	Coordinated Early Intervening Services (CEIS)	33
Section B.10:	National Instructional Materials Access Center (NIMAC)	34
Section C.1:	Exceptional Student Education Procedural Safeguards	35
Section C.2:	Parental Revocation of Consent for Special Education and Related Services	37
Section C.3:	Transfer of Parental Rights at Age of Majority	38
Section D:	Surrogate Parents	39
Section E:	Individual Educational Plans and Educational Plans for Transferring Exceptional Students	42
Section F:	Access to a Student's Public Benefits or Insurance	44
Section G:	General Education Intervention Procedures	46
Section H.1:	Initiating an Evaluation for Exceptional Student Education	50
Section H.2:	Conducting Student Evaluations and Reevaluations	53
Section I:	Independent Educational Evaluations	60

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program 63

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder 64

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing 66

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed 69

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired 72

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities 76

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions 79

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized 80

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities 83

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment 85

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment 86

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury 87

Section B.12: Exceptional Education Eligibility for Students with Specific Learning Disabilities 88

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments 93

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments 97

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired 102

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service 104

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services 106

Section C: Individual Educational Plan 108

Section D: Discipline 123

Section E: Participation in State and District Assessments 131

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities 136

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through 5 Years 140

Part III. Policies and Procedures for Students

Section A: Exceptional Student Education Eligibility for Students who are Gifted 147

Section B: Educational Plans for Students who are Gifted 149

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities 152

Section B: John M. McKay Scholarships for Students with Disabilities Program 158

Section C: Gardiner Scholarship Program 161

Part V. Appendices

Appendix A:	General Policies and Procedures	164
Appendix B:	Unique Philosophical, Curricular, or Instructional Considerations	165
Appendix C:	District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted	170
Appendix D:	District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion	172
Appendix E:	Policies and Procedures Unique to Developmental Research (Laboratory) Schools	173
Appendix F:	Best Practices in Inclusive Education (BPIE) Assessment	174

Part I.
General Policies and Procedures

Part I. General Policies and Procedures

Section A.1: Legal Requirements for General Policies and Procedures

Statutory and Regulatory Citations

Title 34 Code of Federal Regulations(CFR) § 300.641
Sections 1003.57, 1003.571, and 1003.573, Florida Statutes(F.S.)
Rules 6A - 6.03411 and 69A - 58.0084, Florida Administrative Code(F.A.C.)

Requirement Related to ESE Policies and Procedures

For a school district to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall do the following:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to FDOE the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The IDEA corresponding federal regulations, state statutes, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's SP&P document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., s. 1003.573, F.S., and Rule 6A-6.03411, F.A.C.

Part I. General Policies and Procedures

Section A.2: Legal Requirements Related to the Use of Restraint and Seclusion

District and School-Based Standards for Documenting, Reporting, and Monitoring the Use of Manual, Physical, or Mechanical Restraint and Seclusion Developed by the FDOE

District Level Standards

Districts shall:

- Have written procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have policies and procedures for restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Have training for personnel on the use of restraint and seclusion and maintain records of such trainings. The records maintained should include, but not be limited to:
    - Names of personnel trained
    - Description of training received
    - Dates of trainings
- Have a written plan for reducing restraint and seclusion

District Monitoring Standards

Districts shall:

- Have written policies and procedures for monitoring the use of restraint and seclusion for students with disabilities at the classroom, building, school, and district levels.
- Have a plan for reviewing restraint and seclusion data and effectiveness of instructional and behavioral practices used to reduce the use of restraint and seclusion, to include when, where, and why the restraint or seclusion occurred.
- Have policies and procedures for monitoring the use of restraint and seclusion on file with the Bureau of Exceptional Education and Student Services.
- Implement a plan for the purpose of reducing the use of restraint and seclusion that includes activities, skills and resources.
- Ensure that rooms used for seclusion meet the requirements of Rule 69A-58.0084, F.A.C.

School Level Standards

Schools shall:

- Have written school-based procedures for reporting incidents of restraint and seclusion using the FDOE web-based reporting system.
- Have school-based personnel who are trained to enter and report incidents using the FDOE web-based reporting system.
- Follow procedures for written notification of incidents of restraint and seclusion on the day of the incident, including, but not limited to:
    - Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint used and any injuries occurring during or resulting from the restraint.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
- Obtaining the parent's signed acknowledgement of receipt of the notification.
- Maintaining the documentation of the parent's signed acknowledgement of notice.

- Follow procedures for written incident reporting, including, but not limited to:
  - Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three **school** days of any incident of restraint or seclusion.
  - Obtaining the parent's signed acknowledgement of receipt of the incident report.
  - Maintaining the documentation of the parent's signed acknowledgement of receipt of the incident.
- Make a minimum of two attempts to obtain written parent acknowledgement when parents fail to respond to initial notices or incident reports.

Requirement Related to the Use of Restraint and Seclusion

In accordance with s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities, the district submitted policies and procedures related to the use of restraint and seclusion by January 31, 2012.

◉ The district has made **no** changes to their policies and procedures regarding the use of restraint and seclusion.

○ The district has made changes to their policies and procedures regarding the use of restraint and seclusion.

○ This section is not applicable for the Department of Corrections.

District Policies Regarding Restraint and Seclusion

Physical restraint – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of physical restraint. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of physical restraint.

Seclusion – One of the following must be selected:

○ In addition to this SP&P document, the district has a written policy regarding allowable use or prohibition of seclusion. This policy is included in Appendix D.

◉ This SP&P document is the district's only written policy regarding the allowable use or prohibition of seclusion.

Assurances

1. School personnel will not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

Part I. General Policies and Procedures

Section A.3: Requirements Related to Documenting and Reporting Incidents of Restraint and Seclusion

Documentation and Incident Reporting

1. Schools are required to notify the parent or guardian each time manual or physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. In accordance with standards developed by FDOE, the notice must include the type of restraint used and any injuries occurring during or resulting from the restraint. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or email, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of the student's restraint or seclusion. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
3. The school will prepare an incident report within 24 hours after a student is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained or secluded.
4. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **received a copy of the incident report**. In accordance with standards developed by FDOE, the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
5. The following will be included in the incident report:
    a. The name of the student restrained or secluded
    b. The age, grade, ethnicity, and disability of the student restrained or secluded
    c. The date and time of the event, and the duration of the restraint or seclusion
    d. The location at which the restraint or seclusion occurred
    e. A description of the type of restraint used in terms established by the FDOE
    f. The name of the person(s) using or assisting in the restraint or seclusion of the student
    g. The name of any nonstudent who was present to witness the restraint or seclusion
    h. A description of the incident, including the following:
        i. The context in which the restraint or seclusion occurred
        ii. The student's behavior leading up to and precipitating the decision to use manual or physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others
        iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
        iv. What occurred with the student immediately after the termination of the restraint or seclusion
        v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
        vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of restraint and seclusion are reported to FDOE via a website developed for this purpose, in a manner prescribed by FDOE.

Part I. General Policies and Procedures

Section A.4: District Procedures Related to Documenting and Reporting Incidents of Restraint and Seclusion

District Procedures

The district has in place policies and procedures that govern (1) parent notification, (2) incident reporting, (3) reporting of district data review, (4) monitoring, (5) training programs, to include a plan for the selection of personnel to be trained, and (6) the district's plan for reducing the use of restraint and seclusion. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

1. Describe the district's procedures for providing the parent with a copy of the **written notice on the day of the incident**.

   a. Describe how parents are provided written notice on the day the restraint or seclusion occurred.

   Written notification of each use of restraint will be sent home with the student or handed to the parent on the date the restraint occurred. The District prohibited the use of seclusion beginning with the 2016-17 school year.

   b. Specify personnel (by role or title) responsible for preparing the written notice.

   The school Principal or their designee will prepare the written notification.

   c. Describe how reasonable efforts are made on the day of the incident to contact the parent by phone or email or both.

   The Principal or their designee will contact the parent by phone, e-mail or in person on the day that the restraint occurred.

   d. Describe how records of the parent's acknowledgement that the written notice was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial written notice.

   A copy of the notification prepared to send to the parent will be retained in the Electronic Management System or the 504 student folder. When returned, a copy of the notification signed by the parent is retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed notification form, the school will contact the parent (phone, e-mail or in person), to request that the signed notification be returned to the school. If the school does not receive the signed notification, the school will make a second attempt (phone, e-mail or in person) to obtain the signed notification. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

2. Describe the district's procedures for providing parents with a copy of the incident report within three **school days** of the incident.

   a. Specify personnel (by role or title) responsible for preparing the incident report.

   Persons responsible preparing the incident report of any use of restraint are the FDOE Restraint and Seclusion Database School Users. School Users include the Principal and individuals identified by the Principal.

b. Describe how the parents are provided a copy of the incident report within three school days of the incident.

The incident report is provided to the parents by mail within three school days of the incident.

c. Describe how records of the parent's acknowledgement that the written report was received are retained, and actions that are taken in the event the parent does not provide a signed acknowledgement of the initial incident report.

A copy of the incident report that was provided to the parent will be retained in the FDOE Restraint and Seclusion Database. When returned, a copy of the incident report signed by the parent will be retained in the Electronic Management System or the 504 student folder. If the parent does not return the signed incident report the school will contact the parent by phone, e-mail or in person to request that the signed incident report be returned to the school. The school will make a second contact if the incident report is still not returned. These contacts will be documented in the contacts tab on the Electronic Management System or the 504 student folder.

3. How does the district monitor the implementation of restraint and seclusion practices to include reporting requirements in Charter schools, DJJ facilities, and Contracted residential facilities?

The District ESE Staff assigned to the Charter Schools and to the DJJ facilities monitors the implementation of restraint practices including reporting requirements on a quarterly basis and communicates their findings and any concerns to school/site based staff. Contracted residential facilities complete notification requirements and documentation of use of restraint. The documentation is reported in the Electronic Management System and FDOE Restraint and Seclusion Database under the Broward County Public School that the student would attend. The District ESE Staff assigned to that school monitors the practices including reporting requirements. Adherence to this policy is a condition of the contract between the District and the contracted residential facility.

Part I. General Policies and Procedures

Section A.5: District Procedures Related to Review of Data and Reporting Procedures (to include monitoring and training)

1. Describe the district's review of data and reporting procedures.

   Specify personnel (by role or title) responsible for collecting data in the web-based reporting system within the school, and to whom it is reported at the school and district level. (e.g., principal, ESE director, superintendent).

   The Principal or their designee is responsible for collecting and reporting all restraint data within the school. Restraint data is to be reported by the Principal or their designee to the parent of the student for which restraint was used. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s). The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board. The District prohibited the use of seclusion beginning with the 2016-2017 school year.

   Provide information regarding the timelines, process and documentation for review of data and reporting within the district.

   The Principal or their designee is responsible for collecting and reporting all data within the school on a daily basis. Incident reports must be completed within 24 hours in the FDOE Restraint and Seclusion Database. Certified Professional Crisis Management (PCM) practitioners are required to complete PCM logs immediately upon use of PCM. District ESE Staff is responsible for collecting and reporting data to the designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The ESE Director is responsible for collecting and reporting all data to the Superintendent and School Board upon request.

2. Describe the district's procedures for monitoring data collection and reporting and the use of restraint and seclusion at the (a) classroom, (b) building, and (c) district level. These monitoring procedures must address when, where, and why students are restrained or secluded and the frequency of the occurrences of restraint or seclusion, including prone and mechanical restraint. *(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

   Describe how the district will monitor school practices related to the data collection and reporting to parents, including (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) email or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; and (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

   The District ESE Staff is responsible for monitoring restraint school data and reporting the data to their designated ESE District Supervisor(s) by the end of the first quarter and on a monthly basis thereafter. The District ESE Staff randomly selects one student per school in which a restraint was used on a quarterly basis to monitor the following: (a) data entry into the FDOE web-based system; (b) content of the written notice; (c) e-mail or telephone attempts to contact parents on the day of the incident; (d) provision of written notice and incident reports to the parent within the required timelines; (e) maintaining documentation of the parent's acknowledgements of the receipt of written notices and reports; (f) making additional attempts to obtain written parent acknowledgement when the parent fails to acknowledge the initial written notice or incident report.

Describe how the district will monitor school practices related to when, where, and why students are restrained and secluded at the (a) classroom, (b) building, and (c) district level.

The District ESE Staff is responsible for direct observation and monitoring of each school's practices on a quarterly basis related to when, where, and why students are restrained at the classroom and building level and reporting to their ESE District Supervisor.

Describe how information about restraint and seclusion data is (a) shared with school and classroom personnel directly involved in the use of restraint and seclusion and (b) reviewed to assess, develop or revise and implement effective behavioral strategies and instructional practices for students who are frequently restrained or secluded.

Effective behavioral strategies are developed and revised as needed through the Functional Behavioral Assessment (FBA) process and are included in a student's Positive Behavioral Intervention Plan (PBIP). Instructional practices are addressed as needed through a student's IEP. District ESE Staff provide training and assistance as needed to ensure implementation of effective behavioral strategies and instructional practices.

3. Describe the district's training for personnel on the use of restraint and seclusion and how records of such trainings are maintained. The records maintained should include, but not be limited to, names of personnel trained, description of training received, and dates of trainings.*(Charter schools, DJJ facilities, and contracted residential facilities must be included.)*

Describe the programs the district uses to train personnel with regard to the use of restraint and seclusion; if multiple programs are used within the district, describe how decisions are made with regard to when a particular program is selected.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. The District has identified select individuals in behavioral support positions throughout the district to be PCM Instructors.

Describe how the district implements professional development on the selected training program(s).

The District's PCM Instructors receive their initial training and their required annual recertification training directly from the Professional Crisis Management Association (PCMA). School-based Practitioners receive initial and recertification training from the District PCM Instructors. Instructors and practitioners are certified by the PCMA.

Describe how the district maintains records on the training of personnel with regard to restraint and seclusion.

One District ESE Staff is identified as the coordinator for all ESE behavior trainings. This individual maintains a database of all ESE approved PCM Instructors and Practitioners in the district.

If the training program used requires periodic "refresher training," indicate the intervals at which this occurs and how.

Following the initial training for PCM Instructors and Practitioners, PCMA requires annual recertification. If it is determined that a PCM Practitioner needs any additional refresher training as a result of monitoring and oversight of use of restraint procedures, PCM Instructors will provide such training as needed.

Describe the district's plan with regard to the selection of personnel to be trained in restraint and seclusion.

The District selects individuals in behavioral support positions to be PCM Instructors. ESE Separate Day Schools must have PCM trained teams; team members are identified by the Principal. Any schools with an ESE special program with a high number of students with Emotional/Behavioral Disabilities (E/BD) must have a PCM trained team; team members are identified by the Principal. At all other schools a team is only trained if there is a student specific need. In such cases the Principal must submit a request for training including a rationale and requested team members to the ESE District Supervisor. In addition to PCM training, all PCM certified staff are required to complete Positive Behavior and Academic Strategies for Student Success (PBASSS) or other training on positive behavioral supports.

Indicate whether all charter schools in the district use the same crisis management program as that described for use in district-operated schools.

The District ESE department has selected PCM as the single restraint training to be used with students with disabilities. Charter schools are trained if there is determined to be a student specific need at the school based on the students IEP, FBA and PBIP.

If no, indicate by charter school the name of the crisis management program used?

N/A

Part I. General Policies and Procedures

Section A.6: District Plan Related to Reducing the Use of Restraint

Does the district prohibit the use of restraint?

○ Yes
◉ No

1. Even if the district prohibits the use of restraint, if restraint incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of restraint.

If the district allows the use of restraint, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of restraint (goal must include a percentage for reduction).

The district will reduce the use of restraint by at least 2%.

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of restraints for the 2016-17 school year.

71 Students – 176 Incidents

Total number of incidents of restraints for the 2017-18 school year.

78 Students – 192 Incidents

Indicate the percentage of increase or decrease in the 2017-18 rate.

There was a 9.1% increase in the number of incidents of restraint (from 176 incidents in the 2016-17 school year to 192 incidents in the 2017-18 school year). The number of students restrained increased from 71 in the 2016-17 school year to 78 in the 2017-18 school year, representing an increase of 9.9% in the number of students restrained.

Provide a rationale for the district's increase or decrease in incidents when comparing data.

The increase in the incidents of restraint was in part due to two students with a high number of restraints (one with 15 and one with 18). District ESE staff have been very involved in working with the school staff at each of the schools to address the needs of each of the students. The student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parent's home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students.

Note whether or not the district attained the 2017-18 goal for rate reduction of restraint and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

The district did not attain the 2017-18 goal to reduce the use of restraint. The goal was a 2% reduction and the actual was a 5% increase.

How many students in the district were restrained 15 or more times? What were the specific activities, skills, and resources implemented to reduce these rates?

2

District ESE staff worked with the school staff in both cases to review and revise each students' Positive Behavioral Intervention Plan (PBIP) and instructional strategies. As noted above, the student with 18 incidents has a difficult adjustment when returning to the group home after visiting her parents home. All parties involved have been working together to help the student with the adjustment. District ESE Staff presented each case at Behavior Case Study Team (BCST) meetings to obtain suggestions from the group. These suggestions were shared with each school and were incorporated for each of the students. District staff also reviewed restraint procedures with staff at each of the schools.

Does the district have a policy in place that prohibits the use of prone restraint?

○ Yes
◉ No

If not, describe how and when prone restraint is being used.

Prone restraint is used when a vertical restraint cannot safely maintain the student when there is an imminent risk of serious injury or death to the student or others. Professional Crisis Management (PCM) practitioners follow steps determined by the Professional Crisis Management Association (PCMA) when implementing a prone restraint.

If there is no policy that prohibits the use of prone restraint, include a plan for reducing the use of prone restraint.

In order to reduce use of prone restraint, District ESE Staff will review the PBIP of any student for which a prone restraint is used to determine if the plan includes appropriate proactive strategies. The PBIP will be reviewed and revised as needed. District ESE Staff will meet with school staff that work with the student after three incidents of prone restraint to review the PBIP and revise if needed. After five incidents of prone restraint, District ESE Staff will present the case at the Behavior Case Study Team (BCST) meeting. Cases brought to BCST meetings are reviewed by District Behavioral Support staff.

Does the district have a policy in place that prohibits the use of mechanical restraint?

◉ Yes
○ No

If not, describe what mechanical restraints are being used and how they are being used.

The District does not use mechanical restraint.

If there is no policy that prohibits the use of mechanical restraint, include a plan for reducing the use of mechanical restraint.

The District does not use mechanical restraint.

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students restrained and type of restraint used).

Distribution of Restraint Incidents by Exceptionality: • Emotional Behavior Disabilities: 52% • Autism Spectrum Disorder: 44% • Intellectual Disabilities: 1% • Developmentally Delayed: 1% • Other Health Impaired: 1% • Speech Impaired: 0.5% • Hospital Homebound: 0.5% • Deaf or Hard-of Hearing: 0.5% Distribution of Restraint Incidents by Race: • Black/African American: 44.8% • White: 53.6% • Two or more Races: 1.6% • Asian: 0% • American Indian/Alaskan Native: 0% Distribution of Restraint Incidents by Type of Restraint: • Prone: 90% • Standing: 8% • Immobilization while in Transport: 2% • Supine (lying face up): 1%

Describe how the data and the problem-solving process informed your district's plan to reduce the use of restraint.

The highest incidents of restraint were with students with a primary eligibility of EBD and ASD. The activities included in the District's plan to reduce restraint focus heavily on training for staff who work with these students and on providing targeted student support.

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of restraint for the 2018-19 school year.

Given that Broward County Public Schools is a very large District and that the District has significantly reduced the use of restraint in recent years, a goal to reduce the use of restraint by 2% would be consistent with the data trend over multiple years.

The following are examples of activities that may be considered for the purpose of reducing the use of restraint.

- Implement student-specific strategies such as: reviewing individual educational plans (IEPs) and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of restraint.

• Provide targeted training opportunities in Trauma Informed Care, Mindfulness and other mental health related trainings. • Provide targeted training opportunities in Zones of Regulation and Social Thinking. • Provide targeted training in LEAPS and continue our Districtwide site license. • Continue implementation of the Secondary Student Support Model in targeted schools to provide social, emotional and behavior support to targeted students with a primary eligibility of Emotional/Behavioral Disabilities and Autism Spectrum Disorder

• Train Behavioral Technicians who work in the Secondary Support Model in the principles of applied behavioral analysis and prevention strategies. • Implement student-specific strategies such as: reviewing Individual Educational Plans (IEPs) and Section 504 plans; conducting evaluations/reevaluations and FBAs; and evaluating effectiveness of PBIPs. District ESE support team staff will assist school staff in this process. • Implement District and school strategies for increasing parental involvement. Schools are to involve parents in the FBA and PBIP process. Schools are to advertise ESE Parent Advisory Meetings. The ESE Department website includes information on opportunities for parent involvement, training available to parents and information specific to restraint including a document produced by the FDOE for parents on restraint. • Introduce or strengthen Multi-Tiered Systems of Support (MTSS), which could include schoolwide positive behavioral support. Schools are required to have a Response to Intervention (RtI) team. To support schools in implementing schoolwide positive behavioral support, a variety of professional development opportunities are available including CHAMPS, PBASSS, FBA/PBIP and in specific schools, PCM. • Provide a variety of professional development opportunities in positive behavioral supports and in understanding impact of disability. • To ensure that all PCM Practitioners are trained in positive behavioral supports, PCM Instructors will identify any PCM Practitioner that has not attended PBASSS or other training in positive behavioral supports, training will be provided for identified individuals. • The Program Specialist for Behavior assigned as the point person to coordinate ESE behavior training will facilitate a committee review of the current PBASSS and FBA/PBIP training material and will revise the training material if needed. • Review a variety of restraint trainings available to determine if the district should continue to use PCM.

Describe the resources that are a part of the district's plan to reduce the use of restraint.

SEDNET, FDLRS/FIN, Diversity Prevention and Intervention (DPI), Positive Behavioral Interventions and Supports (PBIS), and Center for Autism and Related Disorders (CARD) as well as other departments within the district.

Part I. General Policies and Procedures

Section A.7: District Plan Related to Reducing the Use of Seclusion

Does the district prohibit the use of seclusion?

◉ Yes
○ No

1. Even if the district prohibits the use of seclusion, if seclusion incidents occurred during the 2017-18 school year, the district will have a plan for reducing the use of seclusion.

If the district allows the use of seclusion, specify the district's measurable annual goal for the 2018-19 school year for reducing the number of incidents of seclusion (goal must include a percentage for reduction).

N/A

2. The district is required to have a plan for reducing the use of restraint, particularly in settings where it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and must include activities, skills, and resources needed to achieve that goal. Charter schools, DJJ facilities, and contracted residential facilities must be included. Activities may include, but are not limited to, the following:
    a. Additional training in positive behavioral support and crisis management
    b. Parental involvement
    c. Data review
    d. Updates of students' Functional Behavioral Assessments (FBAs) and Positive Behavioral Intervention Plans (PBIPs)
    e. Additional student evaluations
    f. Debriefing with staff
    g. Use of schoolwide positive behavior support
    h. Changes to the school environment

Total number of incidents of seclusion for the 2016-17 school year.

0

Total number of incidents of seclusion for the 2017-18 school year.

0

Indicate the percentage of increase or decrease in the 2017-18 rate.

N/A

Provide a rationale for the district's increase or decrease in incidents when comparing the data.

N/A

Note whether or not the district attained the 2017-18 goal for rate reduction and the difference between 2017-18 percentage goal and the actual 2017-18 percentage rate.

N/A

How many students in the district were secluded 15 or more times in the district? What were the specific activities, skills, and resources implemented to reduce these rates?

N/A

3. Describe the district's procedures for ensuring that seclusion rooms meet the requirements of State Fire Marshal Rule 69A-58.0084, F.A.C., by addressing each of the following:

Who coordinates the inspection conducted by the Fire Marshal?

N/A

How is the safety of the seclusion rooms monitored?

N/A

How are the results of the inspection reported to the district?

N/A

Describe the district's procedures for correction when a seclusion room is found to be in violation of State Fire Marshal Rule 69A-58.0084, F.A.C.

N/A

4. Describe the district's use of seclusion rooms by addressing each of the following.

How many seclusion rooms does the district have that meet State Fire Marshal Rule 69A-58.0084, F.A.C.?

N/A

Where are the schools in which the seclusion rooms are located?

N/A

When are the seclusion rooms used?

N/A

How are the seclusion rooms used?

N/A

Describe the data reviewed from the 2017-18 school year (which must include primary exceptionality and race or ethnicity of students secluded)

N/A

Describe how the data and the problem-solving process informed your district's plan to reduce the use of seclusion.

N/A

Describe how the data and the problem-solving process determined the measurable annual goal for the reduction of seclusion for the 2018-2019 school year.

N/A

The following are examples of activities that may be considered for the purpose of reducing the use of seclusion.

- Implement student-specific strategies such as: reviewing IEPs and Section 504 plans; conducting evaluations or reevaluations and FBAs; evaluating the effectiveness of PBIPs and health care plans specific to individual students' responses and progress
- Implement district and school strategies for increasing parental involvement
- Introduce or strengthen MTSS, which could include schoolwide positive behavioral support
- Provide additional professional development training in positive behavioral support and crisis management
- Problem solve with school administrators to make data-driven decisions regarding school environments

Describe the activities that are a part of the district's plan to reduce the use of seclusion.

N/A

Describe the resources that are a part of the district's plan to reduce the use of seclusion.

N/A

Part I. General Policies and Procedures

Section B.1: Assurances – Free Appropriate Public Education (FAPE)

Statutory and Regulatory Citations

Title 34 CFR §§99.7, 300.111, 300.172, 300.226, 300.613-300.621 and 300.646
Chapters 468, 486, 490 and 491, F.S.
Sections 393.17, 627.6686, 641.31098, 1002.20, 1002.22, 1003.4282, 1003.57, 1003.572, 1006.03, 1011.62, 1012.32 and 1012.321, F.S.
Rules 6A-1.0955, 6A-6.03028 and 6A-6.0311, F.A.C.

Full Educational Opportunity Goal (FEOG)

The district assures provision of full educational opportunity to all children with disabilities, aged three through 21, using the kind and number of facilities, personnel, and services necessary to meet this goal. A Free Appropriate Public Education (FAPE) is available to all students with disabilities upon determination of need.

Information to be Provided at Initial Meeting of a Student's IEP Team

In accordance with s. 1003.57(1)(j), F.S., the district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's Individual Educational Plan (IEP) team.

Ages of Students Served

One of the following must be selected. For students with disabilities who have not graduated with a standard diploma, the district will:

○ Provide services until the day the student turns twenty-two (22)

○ Provide services until the end of the semester in which the student turns twenty-two (22)

◉ Provide services through the last instructional day of the school year for all students in the district in which the student turns twenty-two (22), provided that the student was twenty-one (21) years old on the first instructional day of school for all students in the district

One of the following must be selected. Indicate if the district (including charter schools) serves infants and toddlers with disabilities, ages birth through two, in collaboration with Local Early Steps:

○ Yes

◉ No

Note: Districts may provide FAPE to a child who will turn three during the school year. If this is the only circumstance for which the district would provide services to a child who is two years of age, **no** should be checked.

One of the following must be selected. Indicate if the district (including charter schools) serves prekindergarten children with disabilities, ages three through five:

◉ Yes

○ No

Part I. General Policies and Procedures

Section B.2: Parental Input and Meetings

Parental Input and Meetings

In accordance with section 1002.20(21)(a), F.S., Meetings with school district personnel, parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through any action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend any meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an IEP; the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion stating whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.

One of the following must be selected.

○ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part I. General Policies and Procedures

Section B.3: Collaboration of Public and Private Instructional Personnel

Collaboration of Public and Private Instructional Personnel

Section 1003.572, F.S., provides:

1. As used in this section, the term "private instructional personnel" means:
    a. Individuals certified under s. 393.17 or licensed under chapter 490 or chapter 491 for applied behavior analysis services as defined in ss. 627.6686 and 641.31098 ,F.S.
    b. Speech-language pathologists licensed under s. 468.1185.
    c. Occupational therapists licensed under part III of chapter 468.
    d. Physical therapists licensed under chapter 486.
    e. Psychologists licensed under chapter 490.
    f. Clinical social workers licensed under chapter 491.
2. The collaboration of public and private instructional personnel shall be designed to enhance but not supplant the school district's responsibilities under the Individuals with Disabilities Education Act (IDEA). The school as the local education agency shall provide therapy services to meet the expectations provided in federal law and regulations and state statutes and rules. Collaboration of public and private instructional personnel will work to promote educational progress and assist students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel shall undertake collaborative programming. Coordination of services and plans between a public school and private instructional personnel is encouraged to avoid duplication or conflicting services or plans.
3. Private instructional personnel who are hired or contracted by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:
    a. The student's public instructional personnel and principal consent to the time and place.
    b. The private instructional personnel satisfy the requirements of s. 1012.32 or s. 1012.321, F.S.
4. For the purpose of implementing this subsection, a school district may not impose any requirements beyond those requirements specified in this subsection or charge any fees.
5. The provision of private instructional personnel by a parent does not constitute a waiver of the student's or parent's right to a free and appropriate public education under IDEA.

Written Agreements

The district assures that written agreements are on file in the district for multi-district programs and for the assignment of instructional personnel to a facility operated by another agency or organization. These written agreements have been developed and approved by all participating school boards or agencies. Each such agreement, in accordance with Rule 6A-6.0311, F.A.C., includes but is not limited to:

1. Designating responsibilities for the implementation of district procedures
2. Providing transportation
3. Providing program and staff supervision
4. Funding programs
5. Dissolving the agreement

Written agreements are on file for the provision of special education and related services to this district's exceptional students through multi-district programs.

○ Yes
◉ No

If the answer to the above question is yes, include the name(s) of the district(s) providing services and the types of ESE services provided by each district.

Written agreements are on file for the provision of special education and related services to exceptional students from other districts through multi-district programs.

○ Yes
◉ No

If the answer to the above questions is yes, include the name(s) of the district(s) receiving services and the types of ESE services provided for each district.

Agreements for assigning instructional personnel to a facility operated by other agencies or organizations are on file in this district.

◉ Yes
○ No

If the answer to the above question is yes, include the name of each agency and the instructional personnel assigned for each facility.

Atlantic Shores: Instructional Staff

Citrus: Instructional Staff

Part I. General Policies and Procedures

Section B.4: Department of Juvenile Justice Facilities

Department of Juvenile Justice Facilities

Statutory and Regulatory Citations

Sections 1002.42 ,1003.01 1003.52, 1003.57, 1003.573, 1011.62 and 1012.42, F.S.
Rules 6A-1.045111, 6A-1.0503, 6A-6.0334, 6A-6.0361 and 6A-6.05281, F.A.C.

The district school board of the county in which the residential or nonresidential Department of Juvenile Justice facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services, including all services and documentation required by federal and state laws. Districts have the option of providing the educational services directly or may enter into a contract with a private provider to provide educational services.

In accordance with section 1003.01(11)(b), F.S., "Juvenile justice provider" means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

How does the district provide educational programs for students with disabilities in the district's county jail?

Individuals in the district's county jail are provided with the opportunity to participate in Adult Educational opportunities to earn credits toward a standard diploma. For students who are in the county jail and are ESE eligible, there is an LEA Representative assigned to oversee the specially designed instruction at the county jail and assures that the services on the IEP are implemented.

Districts that enter into a contract with a private provider are responsible for oversight. For exceptional students, districts should ensure that exceptional students have a current individual educational plan (IEP), that the IEP contains measurable annual goals (including academic and functional), that the IEP is being implemented, that parents are invited to the IEP team meeting, and that the appropriate team members are present at the meeting.

Placement in a residential facility of a student with a disability by a public agency other than the school district

1. In accordance with s. 1003.57(3), F.S., an exceptional student with a disability may be placed in a private residential care facility by the Department of Children and Families, Agency for Persons with Disabilities, or Agency for Health Care Administration. For this purpose, "placement" is defined as the funding or arrangement of funding by an agency for all or a part of the cost for an exceptional student with a disability to reside in a private residential care facility and the placement crosses school district lines.
2. The private residential care facility, or a residential facility that is operated, licensed, or regulated by a public agency shall ensure that, within 10 business days of a student with a disability being placed in the facility, written notification of the placement is provided to the school district where the student is currently enrolled and counted for funding purposes under s. 1011.62, F.S. (sending school district), and the school district where the residential facility is located (receiving school district). If the student is not currently counted for funding purposes in the school district in which the legal residence of the student is located, the school district in which the legal residence of the student is located also shall be notified by the residential facility in writing within the required timeline. The placing agency shall collaborate with the residential facility to determine how that notification will be provided within the required timeline.
3. In accordance with subsection (3) of Rule 6A-6.0334, F.A.C., the sending school district shall take reasonable steps to promptly respond to the residential facility's request for transmittal of the student's educational records. If the student's placement in the residential care facility occurs while the notification and procedures regarding payment are pending, the student shall remain enrolled in the sending school district and the sending school district shall collaborate with the residential care facility to ensure that the

student receives a free and appropriate public education, special education, and related services, including services comparable to those described in the current IEP, until the notification and procedures regarding payment are completed.

Each school district is responsible for assuring the proposed program at the nonpublic school or community facility is appropriate to meet the educational needs of the exceptional student with a disability, or early intervention needs of the infant or toddler with a disability, placed through a contractual agreement. This is not meant to limit the responsibility of agencies in the state other than the district school boards from providing or paying some or all of the cost of a free appropriate public education or early intervention services to be provided to children with disabilities ages birth through 21 years.

Contractual Arrangements with Private Schools

Statutory and Regulatory Citations

Section 1003.52, F.S.
Rules 6A-6.0361, F.A.C.

1. Each school district shall provide special education and related services to an exceptional student with a disability through a contractual agreement with an approved nonpublic school or community facility under **any** of the following circumstances:
    a. When the school district determines that no special educational program offered by the district, a cooperating school district, or a state agency can adequately meet the educational program needs for a student
    b. For the provision of the educational component of a residential placement for an exceptional student with a disability when such a placement is made by another public agency for the primary purpose of addressing residential or other noneducational needs. The student's IEP may reflect that the residential placement is not required for the student to benefit from special education that could otherwise be provided by the school district during the day
    c. For the provision of a non-residential interagency program for an exceptional student with a disability that provides educational programming in accordance with the student's IEP
    d. In collaboration with the Part C Early Steps Program for the provision of early intervention services for an infant or toddler with a disability when the school district has determined that a nonpublic or community facility can provide appropriate services for the infant or toddler in accordance with an Individualized Family Support Plan (IFSP)

The requirements of this subsection do not apply when a school district provides educational assessments and a program of instruction and special education services to students in the custody of Department of Juvenile Justice programs who are served in residential and nonresidential care facilities and juvenile assessment facilities located in the school district in accordance with section 1003.52(3), F.S.

District Responsibilities

1. Before the school district executes a contract with a nonpublic school or community facility, the school district will determine that the school or facility:
    a. Has qualified personnel as defined in Rule 6A-1.0503, F.A.C., or appropriate licensing entities and appoints noncertified instructional personnel according to the policies required in Rule 6A-1.0502, F.A.C. Personnel in an out-of-state nonpublic school or community facility shall be certified or licensed in accordance with the standards established by the state in which the nonpublic school or community facility is located.
    b. Provides instructional school day and year consistent with s. 1011.61, F.S, taking into account the number of school hours or school days provided by the school district.
    c. Maintains current sanitation and health certificates and fire inspections for each appropriate building and will be open for inspection by appropriate authorities.

d. Protects the confidentiality of student records and information and assures the provision to the parent or student whose rights have transferred upon reaching the age of majority (age 18), the right of access, copies, amendments, and hearings as specified in Rule 6A-1.0955, F.A.C.

e. Designates staff member to be responsible for the administration of the provisions of the contract and supervision of the educational program provided to each student, or early intervention services provided to each child age birth through two years, under the contract.

f. Has written procedures for admission, dismissal, and separation of students, if appropriate.

g. Has a written description of the support services that are available and will be provided to each student placed under a contract in accordance with each student's IEP or each child's IFSP.

h. Has written policies concerning: care of the student in emergencies; clinical and administrative records; personnel policies; staff duties; fee schedules; food services; and insurance coverage.

i. Complies with requirements of: the Office for Civil Rights (OCR); the Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Act of 1965, as amended by the No Child Left Behind Act of 2001).

j. Files reports with the Department of Education as prescribed in s. 1002.42, F.S., if applicable.

Contents of Contract

1. A contract between a district school board and a nonpublic school or community facility to provide educational programs for an exceptional student with a disability, or early intervention services to a child with a disability age birth through two, shall not extend beyond the school district's fiscal year, and shall include at least the following:

    a. Written assurance that the nonpublic school or community facility is staffed by qualified personnel as defined by rule 6A-1.0503, F.A.C., or an appropriate and identified licensing entity.

    b. A description of the scope of service provided by the nonpublic school or community facility and how it relates to the IEP of the exceptional student with a disability or the IFSP of the infant or toddler with a disability.

    c. Provision for reporting to appropriate school district personnel and the parent on the student's progress in meeting the annual goals in accordance with the IEP or the child's and family's progress in meeting the major outcomes in accordance with the IFSP.

    d. Provision for appropriate school personnel to review the program provided by the nonpublic school or community facility and to confer with the staff of the nonpublic school or community facility at reasonable times.

    e. Provision for reporting to appropriate school district personnel any non-attendance of the exceptional student with a disability or the infant or toddler with a disability.

    f. Provision for notifying appropriate school district personnel and the parent of the use of seclusion or restraint of the student, in accordance with section 1003.573, F.S.

    g. The method of determining charges and sharing costs with other agencies for the placements under the contract, including the projected total cost to the school district.

    h. Identification of financial responsibility.

    i. Method of resolving interagency disputes. Such methods may be initiated by district school boards to secure reimbursement from other agencies.

    j. A schedule for review of the program being provided to the exceptional student with a disability or the infant or toddler with a disability, through the contract.

    k. Provision for terminating the contract.

    l. Written assurance of compliance with applicable provisions of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1974, and Section 504 of the Rehabilitation Act of 1973.

Additional District Responsibilities

When contracting with a nonpublic school or community facility, in accordance with Rule 6A-6.0361, F.A.C., the school district shall be responsible for at least the following:

1. Selecting an appropriate nonpublic school or facility in consultation with the parent and other appropriate agency personnel
2. Providing for transportation for students age three through 21 years
3. Maintaining a case file including progress reports and periodic evaluations of the exceptional student with a disability, or infant or toddler with a disability
4. Verifying that the child is a resident of the school district and is enrolled in, or has made application for admittance to, a school district program
5. Providing for the cost of the student's educational program or early intervention services as specified in the contract
6. Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.
7. Providing an appropriate educational program for the student in the least restrictive environment based on an annual or more frequent review of the student's IEP, or early intervention services in a natural environment based on a six-month or more frequent review of the child's IFSP
8. Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services
9. Reporting, data collection, and monitoring the use of seclusion or restraint of the student, in accordance with s.1003.573, F.S.

Part I. General Policies and Procedures

Section B.5: Florida Educational Finance Program (FEFP) Funds

Florida Educational Finance Program (FEFP) Funds

When an exceptional student with a disability, or infant or toddler with a disability, is enrolled in a nonpublic school or community facility program under contractual arrangement for providing a special educational program or early intervention services as provided herein, the student, or infant or toddler, shall generate FEFP funds for the school district in the appropriate cost categories as established in s. 1011.62, F.S., as outlined below.

1. The nonpublic school or community facility program meets the criteria referenced under **District Responsibilities** in Part I, Section B.4.
2. The student is regularly attending the program, and the length of the school day and minimum number of days are in compliance with Rule 6A-1.045111, F.A.C.
3. The student is appropriately identified as an exceptional student with a disability by the school district, or the infant or toddler has been determined eligible as an infant or toddler with a disability by the Part C Early Steps Program, but does not include students identified solely as gifted.
4. An IEP or IFSP for the student has been developed as required.
5. Full-time equivalent student membership for each exceptional student with a disability, or infant or toddler with a disability, under a contractual arrangement is included in the school district's report of membership.
6. Annually and prior to the first report of full-time equivalent membership for a student in a residential placement in a nonpublic or community facility program, a copy of the contracts signed by all participating parties shall be filed with the Department of Education, Division of Public Schools, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Tallahassee, Florida 32399.

When a school district contracts for the educational component of a residential placement for a group of students, one (1) contract with student names or individual contracts shall be filed.

Notes:

When an exceptional student with a disability is offered an appropriate educational program by the school district and the parent waives his opportunity in favor of a nonpublic program selected by the parent, the parent shall assume full financial responsibility for the student's education.

Section 1003.57(2)(a), F.S., states, "an exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident." The statute further indicates that nonresident students with disabilities being serviced in residential facilities "may not be reported by any school district for FTE funding in the Florida Education Finance Program (FEFP)."

The district contracts for special education and related services with nonpublic schools, residential facilities, or community facilities.

◉ Yes

○ No

If **yes**, describe the district's procedures for the following:

Determining that the school or facility meets the required criteria before a contract with a nonpublic school or community facility is completed.

For nonpublic schools or community facilities where the District contracts to provide educational services, the District reviews the proposed facility's organization plan with select District departments to determine whether the entity meets criteria to provide educational services. District staff completes inspections of the physical plant to ensure that it meets safety and health criteria. District staff confers with the School Board's Attorney on the contract language prior to processing for approval. Approval process requires signatures by the

Agency's administrator, School Board Attorney for form and legal content and the Superintendent. The School Board Chair presents the signed contract to the School Board for approval and signature. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining documentation of the qualifications of personnel in nonpublic schools or community facilities as required in Rule 6A-6.0361, F.A.C., or by the appropriate licensing entity, including the out-of-field notification requirements of s. 1012.42, F.S.

The contracted nonpublic or community facility submits copies of their instructional personnel's certification and/or license. The District administrator who is responsible for overseeing the contract maintains the documentation of the nonpublic or community facility's instructional personnel. If the contracted nonpublic or community facility is unable to employ certified instructional personnel for any reason, the District shall provide certified instructional staff at the expense of the contracted nonpublic or community facility. For placement in a residential facility of a student with a disability by a public agency other than the school district, the District complies with the requirements set forth in 1003.57(2) and Rule 6A-6.0334 F.A.C.

Maintaining copies of the IEPs or IFSPs in the district and providing copies of the IEPs of students who are in residential placements to the Department of Education, Bureau of Exceptional Education and Student Services.

IEPs are maintained in the District's electronic management system, EasyIEP. Signed documentation is faxed and also maintained in the District's electronic management system. Original signed forms and other related documentation are maintained in folders for individual students at the select District Administrator's location. When requested, the IEPs are downloaded and then e-mailed to the Department of Education.

Part I. General Policies and Procedures

Section B.6: Limited English Proficiency (LEP) Students

Limited English Proficiency (LEP) Students

The school district assures that LEP students who are also students with disabilities have programming and services pursuant to federal and state laws and regulations

Part I. General Policies and Procedures

Section B.7: Child Find

Child Find

1. The State has assigned to local school districts and the Florida Diagnostic and Learning Resources System (FDLRS) associate centers the responsibility for fully informing parents about the requirements of identifying, locating, and evaluating students with disabilities in accordance with 34 CFR §300.111 and ss. 1006.03 and 1003.57, F.S.
2. The focus for FDLRS's child find activities is children birth to five years of age and children attending **nonpublic** schools. FDLRS also serves as a link between school districts and the identification, location, and evaluation services of the local Early Steps programs, county health units, Head Start, Florida School for the Deaf and the Blind (FSDB), and the individual school districts.
    a. In addition to these functions, FDLRS centers have been authorized to provide testing and evaluation services to nonpublic school pupils or other children who are not enrolled in public schools and to assist districts in providing testing and evaluation services for high-risk or infants and preschool children with disabilities.
3. For parentally-placed private school students, the district in which the private school is located has the responsibility for child find if the private school is **nonprofit**. If the private school is **for-profit**, the district of the student's residence has the child find responsibility.

Part I. General Policies and Procedures

Section B.8: Confidentiality of Student Records

Confidentiality of Student Records

In accordance with 20 United States Code (U.S.C.) §1232g, 34 CFR §§300.613–300.621, s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C., the district assures that a formal policy is in place to guarantee the confidentiality of student records. This policy includes the following:

1. Access rights
    a. The district will permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the district, without unnecessary delay and before any meeting regarding an IEP, IFSP, or educational plan (EP), or any hearing relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the student, and in no case more than 30 days from the request. The parent has the right to:
        - A response from the district for reasonable explanation and interpretation of the records
        - Request that the district provide copies of the records if failure to do so would deprive the parent of the right to review the records
        - Have a representative of the parent inspect and review the records
    b. The district presumes that the parent has authority to inspect and review records relating to that parent's child unless otherwise advised that the parent does not have such authority.
    c. The district keeps a record of parties obtaining access to student records, other than the parent or authorized district or school employees, which includes the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
    d. When the educational record includes information about more than one student, the parent may review the information relating only to that parent's child.
    e. The district will provide the parent, upon request, a list of the types and locations of educational records relating to that parent's child.
    f. The district may charge a fee for copies of records if the fee does not prevent the parent from accessing the records. A search or retrieval fee may not be charged.
2. Amendment of student records
    a. The student's parent who believes that information within the student's educational records contains inaccurate or misleading information, or violates the privacy or other rights of the child, may request that the district amend the information.
    b. The district will decide whether to amend the information in accordance with the request within a reasonable period of time.
    c. If the district refuses to amend the information, it will inform the parent of the refusal and advise the parent of the right to a hearing, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974.
    d. If, as a result of the hearing, the district decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will amend the record accordingly and inform the parent in writing.
    e. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will inform the parent of the right to place in the record a statement commenting on the information or setting forth any reason for disagreement with the decision of the district.

f. Any explanation placed in the student's record will be maintained by the district as part of the student's record as long as the district maintains the record or the contested portion. If the record is disclosed by the agency to any party, the explanation will also be disclosed.

3. Consent

   a. Parental consent will be obtained before personally identifiable information is disclosed to anyone other than officials of the district or other party with a legitimate interest in the record, or as specifically authorized by FERPA and s. 1002.22, F.S.

   b. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services.

   c. Parental consent or the consent of an eligible student, who has reached the age of majority, must be obtained before any personally identifiable information about a child is released between school district officials where a private school is located and officials in the school district of the parent's residence in situations involving parentally placed private school students.

4. Safeguards

   a. The district will protect the confidentiality of personally identifiable information during the collection, storage, disclosure, and destruction of records.

   b. The principal or designee at each school assumes responsibility for ensuring confidentiality of student records.

   c. All persons using or collecting personally identifiable information must receive training in confidentiality procedures.

   d. The district will maintain for public inspection a current listing of the names and positions of those employees within the district who have access to personally identifiable information.

5. Destruction of information

   a. The district will inform parents when personally identifiable information is no longer needed to provide education services to the student. This information must be destroyed at the request of the parent.

   b. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

6. Annual written notice to parents

   a. The district will provide annual written notice to inform the adult student, or the parent or guardian, of the rights defined in s. 1002.22, F.S., and 34 CFR §99.7. Items to be included in the notice are:

      - The right to review and inspect the student's education records, including the procedures to exercise this right
      - The right to seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, including the procedures to request an amendment
      - The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA and state statute permits disclosure without consent
      - The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA

   b. The district will have developed alternate methods of notice for informing adult students or the parent or guardian unable to comprehend a written notice in English.

7. Free Appropriate Public Education (FAPE)

   The district assures that FAPE is available to all students with disabilities residing in the district between the ages of three and 22 years, including: students with disabilities who have been suspended or expelled from school; students with disabilities who have graduated with a special diploma or certificate of completion, but have not attained the age of 22; students in the care and custody of DJJ, and students with disabilities who attend public charter schools. FAPE is also available to students identified as gifted in kindergarten through Grade 12. FAPE no longer applies to students who have graduated from high school with a standard diploma and do not defer receipt of the diploma in accordance with s. 1003.4282(11)(c), F.S. A standard diploma does not include an alternative degree that is fully aligned with the state's academic standards, such as a certificate of completion or a General Educational Development credential (GED), in accordance with Rule 6A-6.03028(1)(a), F.A.C.

8. Transition from Part C to Part B

   Children participating in early intervention programs under Part C, who will participate in prekindergarten programs under Part B, will experience a smooth and effective transition to the prekindergarten program for children with disabilities. By the child's third birthday, an IEP or IFSP is developed and implemented. A representative of the school district participates in transition planning conferences arranged by Children's Medical Services (CMS), and Local Early Steps, the designated lead agency for Part C.

9. Funding formula

   The district assures that, in accordance with s. 1011.62, F.S., in order to generate funds using one of the two weighted ESE cost factors, a new matrix of services form is completed by trained personnel at the time of initial placement and at least once every three years. Additionally, the district ensures that matrices reflect current services. If services change as the result of an IEP team decision, the district will complete a new matrix. The nature and intensity of the services indicated on the matrix is consistent with the services described in each student's IEP, IFSP, or EP. Nothing listed in the matrix limits the services the school district provides in order to ensure that exceptional students are provided a free appropriate public education.

   Students identified as exceptional who do not have a matrix of services will generate funds on the basis of full-time equivalent student membership in the FEFP at the same funding level per student as provided for basic students. These students will be reported at 111 for grades prekindergarten through 3, 112 for grades 4 through 8, and 113 for grades 9 through 12. Additional funding for these students is provided through the ESE Guaranteed Allocation component of the FEFP.

Part I. General Policies and Procedures

Section B.9: Coordinated Early Intervening Services (CEIS)

Coordinated Early Intervening Services (CEIS)

IDEA regulations, 34 CFR §300.226, permit an local educational agency (LEA) to voluntarily use up to 15 percent of Part B funds to develop and implement coordinated early intervening services. CEIS is for students who have not been identified as students with disabilities under IDEA, but who have been identified as needing additional academic and behavioral supports to succeed in general education.

CEIS may be used for:

- Direct instruction of students in kindergarten through Grade 12, with a particular emphasis on students in kindergarten through Grade three;
- Professional development for teachers and other school staff for the delivery of scientifically based academic instruction and behavioral interventions, including scientifically based literacy instruction and instruction in the use of adaptive and instructional software; and
- Educational and behavioral evaluations, services and supports.

Any LEA that uses Part B funds for coordinated early intervening services must annually report to the State Educational Agency (SEA) the number of students served by CEIS.

The SEA may require an LEA to reserve 15 percent of its Part B funds for CEIS, when significant disproportionately based on race or ethnicity is determined according to IDEA regulations 34 CFR §300.646(b)(2).

Part I. General Policies and Procedures

Section B.10: National Instructional Materials Access Center (NIMAC)

National Instructional Materials Access Center (NIMAC)

Statutory and Regulatory Citations

34 CFR §300.172

1. The school district assures compliance with the National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
2. Instructional materials may be purchased through the NIMAC in the same manner and conditions as authorized by the state.
3. School districts may choose not to coordinate with the NIMAC, but must ensure that children with disabilities who need instructional materials in accessible formats receive those materials in a timely manner.

Part I. General Policies and Procedures

Section C.1: Exceptional Student Education Procedural Safeguards

Statutory and Regulatory Citations

34 CFR §§300.500–300.536
Sections 1003.57 1003.571, 1002.22 and 1008.212, F.S.
Rules 6A-6.03311, 6A-6.03313, and 6A-1.0955, F.A.C.

Procedural Safeguards

Parents of exceptional students are entitled to information about their rights. These rights, or *procedural safeguards*, are intended to ensure that parents have the opportunity to be partners in the educational decisions made regarding their children.

The procedural safeguards notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication, that the parent understands the content of the notice, and that there is written evidence that these requirements have been met.

1. Procedural safeguards for students with disabilities

   This applies to students with disabilities enrolled in public schools and to students with disabilities enrolled by their parents in nonprofit private schools.

   The district **assures** that the *Notice of Procedural Safeguards for Parents of Students with Disabilities* is made available to parents at least one time a school year. In addition, a copy also must be given to the parents:

   - Upon initial referral or the parent's request for an evaluation
   - In accordance with the discipline procedures when a change of placement occurs
   - Upon receipt of the first state complaint in a school year
   - Upon the receipt of the first request for a due process hearing in a school year
   - Upon the parent's request to receive a copy
   - In accordance with the provisions of s. 1008.212, F.S., upon the school district superintendent's recommendation to the commissioner of education that an extraordinary exemption for a given state assessment administration be granted or denied.

   One of the following must be selected:

   ◉ The district will use the Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the Department's website, to inform the parents as required.

   ○ The district will use a different notice of procedural safeguards for parents of students with disabilities to inform the parents as required. A copy of this notice is located in Appendix A.1

2. Procedural safeguards for exceptional students who are gifted

   The district **assures** that the notice of the *Procedural Safeguards for Exceptional Students who are Gifted* is made available to parents of a child who is gifted, and must be given to the parents, at a minimum:

   - Upon initial referral for evaluation
   - Upon refusal of a parent's request to conduct an initial evaluation
   - Upon notification of each educational plan meeting
   - Upon receipt of a request for a due process hearing by either the school district or the parent

One of the following **must** be selected:

- (●) The district will use the Department of Education's Procedural Safeguards for Exceptional Students who are Gifted, as posted on the Department's website **to inform the parents as required.**
- ( ) The district will use a different notice of procedural safeguards for parents of students who are gifted to **inform the parents as required**. A copy of this notice is located in **Appendix A.2**
- ( ) This section is not applicable for the district.

Describe the district's policies and procedures to ensure that within 15 days (7 days if expedited) of receiving notice of a parent's due process hearing request, the district convenes a resolution meeting with the parent and the relevant member or members of the IEP team unless the parent and the district agree in writing to waive the meeting or use the mediation process.

Upon receipt of a Request for Due Process in the District office, the case is assigned to a Due Process Coordinator who contacts the parent via email or telephone, typically within three days of receipt of the complaint. Then, the parties work collaboratively to establish a mutually agreed upon date, time and location for the Resolution Meeting. In the event that a parent does not wish to participate in a Resolution Meeting, the Due Process Coordinator obtains the parent's written refusal to participate in the meeting.

Part I. General Policies and Procedures

Section C.2: Parent Revocation of Consent for Special Education and Related Services

Statutory and Regulatory Citations

34 CFR §§300.9, 300.300 and 300.503
Section 1003.4282, F.S.

Procedures

A parent of a student with a disability who has been receiving specially designed instruction and related services may revoke consent for such services.

1. The parent's request for revocation must be in writing.
2. The district will provide the parent with written notice under 34 CFR §300.503 before ceasing the provision of special education and related services.
3. The district may not continue to provide special education and related services to the child.
4. The district will not use mediation or due process procedures to challenge the parent's revocation of consent.
5. The district is not required to convene an IEP team or develop an IEP for further provision of special education and related services for the student.
6. The district is not required to amend the child's education records to remove any reference to the child's previous receipt of such services.
7. The district will not be considered to be out of compliance with IDEA for failure to provide a FAPE to an otherwise eligible child.

Requirements or Options No Longer Applicable

When a parent of a student with a disability revokes consent for services, the requirements that previously applied solely as a result of the student's status as a student with a disability will no longer apply. Examples include:

1. The revocation applies to all services the student is receiving as a student with a disability, including instructional and testing accommodations; the revocation cannot be for some services but not others.
2. The procedural safeguards that apply to students with disabilities, including disciplinary protections, will no longer apply to the student.
3. The options in accordance with s. 1003.4282 (10), F.S., for a student with an individual educational plan to satisfy the standard high school diploma requirements will not be available.

Part I. General Policies and Procedures

Section C.3: Transfer of Parental Rights at Age of Majority

Statutory and Regulatory Citations

34 CFR §§300.520 and 300.320
Chapter 744, F.S.
Section 393.12, F.S.
Rules 6A-6.03028, 6A-6.03011, 6A-6.0311 through 6A.6.0361, and 6A-6.03311, F.A.C.

Procedures

1. When a student with a disability reaches the age of 18, except for a student with a disability who has been determined incompetent under state law or who has had a guardian advocate appointed to make educational decisions as provided by s. 393.12, F.S., all rights afforded to parents under Rules 6A-6.0311 through 6A-6.0361, F.A.C., transfer to the student. However, the right to notice under Rules 6A-6.0311 through 6A-6.0361, F.A.C., is retained as a shared right of the parent and the student.
2. At least one year before the student's eighteenth birthday, the district will inform the student of his or her rights under Part B of the Individual with Disabilities Educational Act (IDEA), if any, that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age. The student's individual educational plan will include a statement that the student has been informed of the rights, if any, that will transfer to the student at 18 years of age.
3. The school district will notify the student and the parent of the transfer of rights when the student attains the age of 18; this notice is separate and distinct from the notice that was provided to the student and the parent at least one year before the student's eighteenth birthday.
4. For a student with a disability who has attained age 18 and is incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under Part B of the IDEA transfer to the student, including the right to notice.
5. For students incarcerated in state correctional facilities, all rights accorded to parents under Part B of the IDEA transfer to the student, including notice, regardless of the age of the student.
6. If a student with a disability has reached the age of majority and does not have the ability to provide informed consent with respect to his or her educational program, procedures established by statute may be used by the parent to take one of the following actions:
    a. Have the student declared incompetent and the appropriate guardianship established in accordance with the provisions of Chapter 744, F.S.
    b. Be appointed to represent the educational interests of the student throughout the student's eligibility for Free Appropriate Public Education (FAPE) under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    c. Have another appropriate individual appointed to represent the educational interests of the student throughout the student's eligibility for FAPE under Rules 6A-6.0311 through 6A-6.0361, F.A.C., if the parent is not available in accordance with s. 393.12, F.S.

Part I. General Policies and Procedures

Section D: Surrogate Parents

Statutory and Regulatory Citations

34 CFR §300.519
Sections39.0016 and 1002.22, F.S.
Rule 6A-6.0333, F.A.C.

Definition

A surrogate parent is an individual appointed to act in the place of a parent in educational decision-making and in safeguarding a student's rights under IDEA and s. 39.0016, F.S., when no parent can be identified; the student's parent, after reasonable efforts, cannot be located by the school district; the student is a ward of the state under state law; the student is an unaccompanied homeless youth; or a court of competent jurisdiction over the student has determined that no person has the authority, willingness, or ability to serve as the educational decision maker for the student without judicial action.

Procedures

1. A surrogate parent appointed by the district school superintendent or the court:
    a. Must be at least 18 years old.
    b. Must have no personal or professional interest that conflicts with the interests of the student to be represented.
    c. Must not be an employee of the FDOE, the local school district, a community-based care provider, the Florida Department of Children and Families (DCF), or any other public or private agency involved in the education or care of the student.
        - This prohibition includes group home staff and *therapeutic* foster parents.
        - A person who acts in a parental role to a child, such as a foster parent or relative caregiver, is not prohibited from serving as a surrogate parent if he or she is employed by such agency, willing to serve, and knowledgeable about the child and the exceptional student education process.
        - The surrogate parent may be a court-appointed guardian ad litem or a relative or nonrelative adult who is involved in the child's life regardless of whether that person has physical custody of the child.
    d. Must have the knowledge and skills acquired by successfully completing training using materials developed and approved by the FDOE to ensure adequate representation of the child.
2. Appointment of a surrogate parent for a student who has or is suspected of having a disability
    a. A surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a school district or agency under contract with the school district shall be appointed by the district's school superintendent not more than 30 days after the school district determines that the student needs a surrogate parent.
    b. The surrogate parent for a student who is eligible for or who is suspected of being eligible for special programs made available through a contract from the FDOE shall be appointed by the individual specified in the contract.
    c. In the case of a student who is a ward of the state, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided the surrogate meets the qualifications above.
    d. If a guardian ad litem has been appointed for a child, the district school superintendent must first consider the child's guardian ad litem when appointing a surrogate parent.

- The district school superintendent must accept the appointment of the court if he or she has not previously appointed a surrogate parent.
- The court must accept a surrogate parent duly appointed by a district school superintendent.

e. A surrogate parent appointed by the district school superintendent or the court must be accepted by any subsequent school or school district without regard to where the child is receiving residential care so that a single surrogate parent can follow the education of the child during his or her entire time in state custody.

f. Nothing in s. 39.0016, F.S., or in Rule 6A-6.0333, F.A.C., shall limit or prohibit the continuance of a surrogate parent appointment when the responsibility for the student's educational placement moves among and between public and private agencies.

g. For a child known to the DCF, the responsibility to appoint a surrogate parent resides with both the district school superintendent and the court with jurisdiction over the child.

- If the court elects to appoint a surrogate parent, notice shall be provided as soon as practicable to the child's school.
- At any time the court determines that it is in the best interests of a child to remove a surrogate parent, the court may appoint a new surrogate parent for educational decision-making purposes for that child.

h. The surrogate parent shall continue in the appointed role until the occurrence of one of the following circumstances:

- The child is determined to no longer be eligible or in need of special programs, except when termination of special programs is being contested
- The child achieves permanency through adoption or legal guardianship and is no longer in the custody of DCF
- The parent who was previously unknown becomes known, whose whereabouts were unknown is located, or who was unavailable is determined by the court to be available
- The appointed surrogate no longer wishes to represent the child or is unable to represent the child
- The superintendent of the school district in which the child is attending school, the FDOE contract designee, or the court that appointed the surrogate determines the appointed surrogate parent no longer adequately represents the child
- The child moves to a geographic location that is not reasonably accessible to the appointed surrogate

i. The appointment and termination of appointment of a surrogate shall be entered as an order of the court with a copy of the order provided to the child's school as soon as practicable.

3. The person appointed as a surrogate parent:

a. Must be acquainted with the child and become knowledgeable about his or her disability and educational needs

b. Must represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child

c. Must represent the interests and safeguard the rights of the child in educational decisions that affect the child

4. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

5. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.
6. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.
7. A school district may compensate persons appointed as surrogate parents. A person acting as a surrogate parent is not an employee of the school district or FDOE-contracted program solely because he or she is paid by the school district or FDOE-contracted program to serve as a surrogate parent.
8. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency or transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff, may be appointed as temporary surrogate parents without regard to the requirements until a surrogate can be appointed who meets all of the requirements.

One of the following must be selected.

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Describe the district's procedures for determining when a student who has or is suspected of having a disability needs a surrogate parent, including documentation of reasonable efforts to locate or contact the parent, if applicable. (i.e., no clear evidence that parental rights have been terminated).

The appointment of a surrogate parent for a student who has or is suspected of having a disability is determined after the school district has made due diligence efforts to locate the parent without success; the student is a ward of the State under State law; the student is an unaccompanied homeless youth; and/or by the verification of the status of parental rights. The student who has or is suspected of having a disability will be appointed a surrogate parent when the parental rights have been terminated; limited; or whereabouts are unknown; and the student's living arrangement is a specialized therapeutic foster home; shelter facility; group home; residential facility; or DJJ facility. An appointment of a surrogate parent for a student who has or is suspected of having a disability, may be made by a court of competent jurisdiction over the student. A surrogate parent will not be appointed when the parent retains their parental rights and their whereabouts are known; when by court order, parental rights have been terminated or limited to exclude educational decision making and the student either lives with a licensed foster care parent; a relative (non-licensed care giver); or a non-relative (non-licensed care giver) who is willing to serve, and knowledgeable about the child and the exceptional student education process

Describe the district's procedures for recruiting and training surrogate parents, including those surrogates appointed by a judge.

Surrogate parent trainings are conducted at least 2 times during the school year; and, additional trainings are provided as necessary. Training is based on the Department of Education's surrogate training model. Recruitment and awareness activities consist of advertising and distributing surrogate parent information via a variety of local publications, community events and interagency partnerships.

Part I. General Policies and Procedures

Section E: Individual Education Plans and Education Plans for Transferring Exceptional Students

Statutory and Regulatory Citations

34 CFR §§99.31 and 300.323
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03028, 6A-6.0331, 6A-6.0334 and 6A-6.0361, F.A.C.

Definition

A transferring exceptional student is one who was previously enrolled as an exceptional student in any other school district or agency and who is enrolling in a different Florida school district or in an educational program operated by the Florida Department of Education through grants or contractual agreements in accordance with s. 1003.57, F.S.

Procedures

1. IEPs or EPs for students who transfer school districts within Florida

   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school district transfers to the school district and enrolls in a new school, the new school district (in consultation with the parents or legal guardians) will provide FAPE to the student, which includes services comparable to those described in the child's IEP or EP from the previous Florida school district, until the school district does **one** of the following:

   a. Adopts the student's IEP or EP from the previous school district.

   b. Develops, adopts, and implements a new IEP or EP that meets the applicable requirements of Rule 6A-6.03028 - 6A-6.0361, F.A.C.

2. IEPs or EPs for students transferring to or from a Florida school district and a full-time virtual program
   If an exceptional education student who had an IEP or EP that was in effect in a previous Florida school or school district enrolls in a full-time virtual program (in accordance with s. 1002.37 or 1002.45, F.S.), the virtual program must determine if the student meets the profile for success in this educational delivery context. If the student meets the profile for success in this educational delivery context, the virtual program will provide FAPE to the student, which includes services comparable to those described in the student's IEP or EP from the previous school or school district, until the IEP team for the virtual program either:

   a. Adopts the student's IEP or EP from the previous school or school district, or

   b. Develops, adopts and implements a new IEP or EP that meets the applicable requirements of Rules 6A-3.03011 - 6A-6.0361, F.A.C. A virtual program may not deny or delay enrollment pending review of a student's IEP or EP.

   When an IEP team of a school district determines that the full-time virtual program is appropriate for a student in accordance with s. 1003.57(5), F.S., within fifteen (15) business days prior to the withdrawal from the school district, the school district must convene an IEP team meeting with at least one (1) representative specific to the full-time virtual program to determine appropriate goals, supports and services for the student. The receiving virtual program may adopt and implement the student's existing IEP from the previous school district or may revise the IEP as needed, to meet the student's needs in the virtual environment.

   When an IEP team for a virtual program determines that the full-time virtual program is not appropriate for a student in accordance with s. 1003.57(5), F.S., the full-time virtual program must, within fifteen (15) business days, convene an IEP team meeting to determine appropriate goals, supports and services for the student. A representative from the school district of residence for the student must participate in this meeting. A student may not be disenrolled from a full-time virtual program until after the IEP team has met and determined appropriate services for the student.

3. IEPs for students who transfer from outside Florida

   If an exceptional education student who had an IEP that was in effect in a previous school district in another state transfers to the school district and enrolls in a Florida school district within the same school year, the new Florida school district (in consultation with the parents) will provide the student with FAPE (including services comparable to those described in the student's IEP from the previous school district) until the school district does **both** of the following:

   a. Conducts an initial evaluation in accordance with Rule 6A-6.0331, F.A.C., or determines that evaluation is not necessary.

   b. Develops, adopts, and implements a new IEP or EP, if appropriate, that meets the applicable requirements of Rules 6A-6.03011 through 6A-6.0361, F.A.C.

   If a transfer student enters the school district with a specific methodology or curriculum on their IEP that was provided through therapy as a related service (e.g., Handwriting without Tears©, sensory integration, neurodevelopmental treatment), and the particular program stated on the IEP is not used in the new school district, another comparable strategy or intervention can be used until the new school district is able to conduct an evaluation, if determined necessary, and develop, adopt and implement a new IEP, if appropriate.

4. EPs for gifted students who transfer from outside Florida

   If a student who had a gifted plan that was in effect in a previous school district in another state transfers to a Florida school district and enrolls in a new school within the same school year, the new Florida school district (in consultation with the parents or legal guardians) must provide the student with services comparable to those described in the student's gifted plan from the previous school district, until the new Florida school district develops, adopts and implements a Florida EP that meets the applicable requirements of Rule 6A-6.030191, F.A.C. In accordance with Rule 6A-6.0334, F.A.C., students who transfer with gifted eligibility from another state do not need to meet the requirements of Rule 6A-6.03019, F.A.C., for continued services. A gifted plan could include documentation from the previous school district in another state that the student was determined eligible for gifted services in accordance with the applicable requirements of that district or state and was receiving gifted services.

5. Parental consent

   The student's new school district is **not** required to obtain parental consent for the initial provision of services for transferring exceptional students determined eligible for services. However, written informed parental consent **is** required before the new school district can conduct an initial evaluation to determine if a student has a disability and needs special education and related services.

6. Transmittal of records

   To facilitate the transition for a student described in subsections 1 and 2 above, the new school district in which the student enrolls will take reasonable steps to promptly obtain the student's records, including the IEP or EP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous school district in which the student was enrolled, in accordance with 34 CFR §99.31; and the previous school district in which the student was enrolled must take reasonable steps to promptly respond to the request from the new school district.

Part I. General Policies and Procedures

Section F: Access to a Student's Public Benefits or Insurance

Statutory and Regulatory Citations

34 CFR §300.154
Rules 6A-6.03011 through 6A-6.0361, 6A-6.03028 and 6A-6.03311, F.A.C.

Procedures

The school district may use the Medicaid or other public health benefits or insurance programs in which a student participates to provide or pay for services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C., as permitted under the public benefits or insurance program, except as noted below:

1. With regard to services required to provide FAPE to an eligible student under the IDEA, the school district:
    a. May not require parents to sign up for or enroll in public insurance programs in order for their student to receive FAPE under Part B of the IDEA.
    b. May not require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for services provided pursuant to the IDEA– the district may pay the cost that the parent otherwise would be required to pay.
    c. May not use a student's benefits under a public insurance program if that use would (any of the following):
        - Decrease available lifetime coverage or any other insured benefit.
        - Result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the student outside of the time the student is in school.
        - Increase premiums or lead to the discontinuation of benefits or insurance.
        - Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures.
    d. Prior to accessing the student's or parent's public benefits or insurance for the first time, and after providing notification to the student's parent as described in Rule 6A-6.03028(3)(q)1.e., F.A.C., the school district must obtain written, parental consent that specifies each of the following:
        - The personally identifiable information that may be disclosed, such as records or information about the services that may be provided to the student
        - The purpose of the disclosure, such as the purpose of billing for services
        - The agency to which the disclosure may be made
        - The parent understands and agrees that the school district may access the insurance to pay for the services required under Rules 6A-6.03011 through 6A-6.0361, F.A.C.
    e. Prior to accessing a student's or parent's public benefits for the first time, and annually thereafter, the school district must provide written notification consistent with requirements found in Rule 6A-6.03311(1)(a) and (b), F.A.C., to the student's parents that includes all of the following:
        - A statement of the parental consent provision in Rule 6A-6.03028(3)(q)1.d., F.A.C.
        - A statement of the no cost provisions of Rule 6A-6.03028(3)(q)1., F.A.C.
        - A statement that the parents have the right to withdraw their consent to disclose their child's personal identifiable information to the agency responsible for the administration of the State's public benefits or insurance at any time.

- A statement that the withdrawal of consent or refusal to provide consent to disclose personally identifiable information to the agency responsible for the administration of the State's public benefits or insurance program does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.

2. With regard to students with disabilities who are covered by private insurance, a school district may access a parent's private insurance proceeds to provide services required under the IDEA only if the parent provides written informed consent. Each time the school district proposes to access the parent's private insurance to provide services required under IDEA, the agency must obtain parental consent and inform the parents that their refusal to permit the school district to access their private insurance does not relieve the school district of its responsibility to ensure that all required services are provided at no cost to the parents.
3. If a school district is unable to obtain parental consent to use the parents' private insurance, or public benefits or insurance when the parents would incur a cost for a specified service required to ensure a FAPE, the school district may use its IDEA Part B funds to pay for the service. To avoid financial cost to parents who otherwise would consent to use private insurance, or public benefits or insurance if the parents would incur a cost, the school district may use its IDEA Part B funds to pay the cost that the parents otherwise would have to pay to use the parents' benefits or insurance (e.g., the deductible or co-pay amounts).

Part I. General Policies and Procedures

Section G: General Education Intervention Procedures

Statutory and Regulatory Citations

34 CFR §§300.302, 300.306, and 300.308–300.310
Sections 1008.25 and 381.0056, F.S.
Rules 6A-6.03018,6A-6.03019, 6A-6.03020, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

General education intervention procedures are activities conducted by a district for kindergarten through Grade 12 students enrolled in public schools who need additional academic or behavioral support to succeed in the general education environment. These activities are embedded in the district's responsibility to implement a multi-tiered system of supports that is integrated into a continuum of evidence-based academic and behavioral interventions. In implementing a data-based problem-solving process designed to develop a coordinated continuum of evidence-based instruction and intervention practices, a district may engage in activities that include educational and behavioral evaluations, services, supports, evidence-based literacy instruction and professional development for teachers and other school staff, and where appropriate, instruction on the use of adaptive and instructional technology.

General Education Intervention Procedures for K-12 Students Suspected of Having a Disability Who are Enrolled in Public Schools

1. Parent involvement in general education intervention procedures

   The district provides opportunities for parents to be involved in a data-based problem-solving process to address the student's academic or behavioral areas of concern. There must be discussion with the parent regarding the data used to identify the problem, the plan for addressing the problem through intervention, the plan for monitoring student progress, the student's responses to instruction and interventions, modification of the interventions when needed and anticipated future action to address the student's learning or behavioral needs. The district must maintain documentation of parental involvement and communication.

2. Observations of student in the educational environment

   The school district conducts observations of the student in the educational environment and, as appropriate, in other settings to document the student's academic or behavioral areas of concern. At least one observation must include an observation of the student's performance in the general education classroom.

3. Review of data

   The school district reviews social, psychological, medical, and anecdotal records and achievement data in the student's cumulative folder and demonstrates through data that the student was provided appropriate instruction in the regular education settings, which was delivered by qualified personnel. Attendance records are reviewed and used as one indicator of a student's access to instruction.

4. Sensory screenings and diagnostic assessments

   a. Hearing and vision screenings are completed for the purpose of ruling out sensory deficits that may interfere with the student's academic and behavioral progress. Hearing and vision screenings are conducted in accordance with the school district's school health plan. In certain circumstances, a current evaluation by a medical professional may be used as the screening report.

   b. Additional screenings and assessments are conducted to assist in determining academic or behavioral interventions, as appropriate. Student screenings to determine instructional and behavioral intervention strategies are not considered to be an evaluation for eligibility for special education and related services.

5. Implementation of evidence-based interventions
    - The school district implements evidence-based interventions addressing the identified areas of concern in the **general education environment**.
    - The interventions selected for implementation should be determined by a team through a data-based problem-solving process that uses student performance data to identify and analyze the area(s) of concern, select and implement interventions, monitor effectiveness of the interventions and modify intervention or intensity when needed.
    - Interventions must be implemented as designed for a period of time sufficient to determine effectiveness, and with a level of intensity that matches the student's needs.
    - The district must collect pre-intervention and ongoing progress-monitoring data regarding academic or behavioral areas of concern and communicate the data to the parents in an understandable format, which may include, but is not limited to, graphic representation.
6. General education interventions are **not** required for the following:
    - Children younger than kindergarten-entry age who are not enrolled in kindergarten
    - Students suspected of being gifted as described in Rule 6A-6.03019, F.A.C.
    - Students who are being considered for eligibility for specially designed instruction for students who are homebound or hospitalized as described in Rule 6A-6.03020, F.A.C.
    - Students who are not enrolled in a public school.

General education interventions **may not be required** for students suspected of having a disability if the student demonstrates a speech disorder; or severe cognitive, physical, or sensory disorders; or severe social or behavioral deficits that require immediate intervention to prevent harm to the student or others, and a team comprised of qualified professionals and the parent determines that these general education interventions are not appropriate.

Does the district have a Multi-Tiered System of Support (MTSS) procedures document or website?

◉ Yes
○ No

If yes, how can this document or website be accessed?

The document is available to all personnel and is located on the MTSS website. http://www.browardprevention.org/mtssrti/

If no, describe district policies and procedures for integrating a data-based, problem-solving process within an MTSS.

N/A

What academic and behavior progress monitoring tools and data do teams use to monitor student response to intervention? Address the following in your response: (a) How frequently are Tier 3 interventions reviewed and monitored? (b) What factors does the problem-solving team consider in determining that the student may be a student with a disability? (c) What is the decision criteria for initiating an evaluation?

Response to intervention is measured by ongoing progress monitoring. It is important to determine the student's baseline performance prior to intervention and to monitor the student's progress throughout the intervention process. Progress monitoring includes, analysis of student performance on data sources such as formative assessments, curriculum-based assessments (i.e., Benchmark Assessment Systems (BAS), I-Ready, Florida Assessment of Instruction in Reading (FAIR), office discipline

referrals, suspension data and collected data (teacher-made test, performance task, observation, questioning, student feedback, anecdotal records, student self-reflection, parent input). A student's response to intervention should reflect the student's actual level of performance on the progress monitoring measures. Data are used to make instructional decisions based on individual student performance. The types of data vary according to the tiers and outcomes desired. The amount of time required to identify and verify effective intervention(s) will vary by academic/behavioral skill, the age, and the grade level of the student. Interventions should be continued as long as the student exhibits a positive response. The interventions will be modified as appropriate when a student's progress is less than expected (questionable or poor response to the interventions). The District's Response to Intervention Decision Making Guide outlines suggested criteria for how frequently schools should review and monitor data. Tier 1 data is collected 3 – 4 times during the school year, Tier 2 data is collected at least every two weeks, and Tier 3 data is collected at least weekly. Teams are provided guidance to assist in the decision process for when to intensify or fade back interventions and when to refer for a full and individual evaluation in the Response to Intervention Decision-Making Guide which can be located at http://www.browardprevention.org/wp-content/uplaods/2013/10/RtI-Decision-Making-Guide1.pdf A guiding principle of when to refer a student is whenever the learning rate does not increase or if intensity of intervention is judged to be long term based upon resources, then a team should refer student for a full and individual evaluation for possible Exceptional Student Education eligibility.

How does the district monitor implementation and fidelity of problem identification, problem analysis, intervention development and intervention effectiveness? Address the following in your response: (a) How problem-solving is documented (b) Procedures for monitoring fidelity.

The District utilizes an intranet-based electronic management system Behavioral and Academic Support Information System/BASIS) to record individual student records of the entire intervention process. All schools are required to enter a record for each student who is currently being monitored by the problem solving team. The problem solving process relies upon the team's ability to make informed decisions based on the effectiveness of a given intervention. The District intranet-based electronic management database system (Behavioral and Academic Support Information System/BASIS) has district/school-wide academic and behavior data structures (dashboards and overviews) for data analysis and visualization to produce insights that drive decision-making and ensure quality assurance. The District ensures the fidelity of a Multi-Tiered System of Supports infrastructure is developed by providing professional development and support (technical assistance/coaching) in the following areas: data support (data sources and technology), leadership support (policies, expectations and evaluation) and program evaluation (on-going data collection to ensure integrity of implementation and support). The District utilizes assessment tools developed in Florida to assess levels of implementation and fidelity of the MTSS. These tools include the Self-Assessment of Multi-Tiered System of Supports (SAM), the Benchmarks of Quality (BOQ), the PBS Implementation Checklist (PIC), the Tier I and II Observation Checklist, the Tier I and II Critical Components Checklist, Problem-Solving Team Meeting Checklist, and Tier III Critical Components Checklist, District Needs Assessment, walkthroughs by principals and peers and/or direct observation of the critical elements of the instructional process, and District-wide stakeholders input and feedback.

How are parents engaged in the problem-solving process? (Include the frequency and format for sharing student response to intervention data with parents.) Address the following in your response: (a) How information is disseminated explaining the school's multi-tiered system of supports (global awareness) (b) Procedures or policies for including parents in problem solving (c) Frequency and format for sharing data on the student response to intervention with parents (d) When and how parents are notified of their right to request an evaluation.

Involving parents at all phases is a key aspect of a successful RtI framework. Parent engagement and involvement in the RtI process starts with communication to and with parents. The District school teams communicate information about the RtI process in print (flyers, handouts, district literature), verbally through school-based informational sessions and through district developed website. The District school teams continuously encourage and invite the parents or legal guardians to be involved

in the databased problem-solving process to address the student's area of concern in accordance with Rule 6A.-6.0331(1)(a),F.A.C. The district school teams maintain and document parental involvement and communication of the student's response to intervention within an intranet-based electronic management system (Behavioral and Academic Support Information System/ BASIS). The District school teams provides written communication to the parents or legal guardians of their right request an individual evaluation. The written communication is generated and recorded in the intranet-based electronic management database system (Behavioral and Academic Support Information System/ BASIS). Additionally, parents or guardians are informed of the right to request an evaluation in a variety of formats throughout the school year. Information about the RtI process and how to request an evaluation is communicated to parents verbally at school meetings (open house, PTA, SAC/SAF), website, in print (flyers, handouts, district literature) school improvement plan, and parent RtI letters. School based Problem-solving teams identify the frequency and duration of meetings at each school site. The teams conclude with written plans that outline how interventions will be provided and monitored. Parents are asked to participate and provide input in the CPST meetings. School personnel implementing the interventions share information with parents via conferences or phone calls, written documentation. Progress updates are provided to parents at a minimum of every 8 weeks through conferences and through progress monitoring plans. Parent information regarding the Collaborative Problem Solving process and how to request help for their son/daughter(s) is provided by brochure, website, webinars, videos, newsletters and parent engagement events at the school and district. The main menu page of Broward County Schools has an online training for parents on how to request an evaluation which is accessible to all students and families. School-based problem solving teams analyze achievement and discipline data from both formative and summative measures. The team uses criteria for expected growth and identification of evidence-based interventions to support the needs of the learner. The problem solving process is utilized to identify the performance concern using multiple sources of data. Team members periodically review student data to inform student instruction. Student intervention plans are documented utilizing a district data management system.

7. Procedures for children who are below mandatory school age and who are not enrolled in kindergarten include the following:
    a. Review existing social, psychological, and medical data. Refer for a health screening when needed.
    b. Conduct vision and hearing screenings for the purpose of ruling out sensory deficits.
    c. Conduct additional screenings to assist in determining interventions as appropriate.

Part I. General Policies and Procedures

Section H.1: Initiating an Evaluation for Exceptional Student Education

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-4.0311, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Definition

The school district must ensure that all students with disabilities or who are gifted and who are in need of exceptional student education (ESE) are identified, located, and evaluated, and FAPE is made available to them if it is determined that the student meets the eligibility criteria.

Procedures for Initiating an Evaluation

Each school district must conduct a full and individual initial evaluation before the initial provision of ESE services. Either a parent of a kindergarten through Grade 12 student, or child age three to kindergarten-entry age, or a school district may initiate a request for initial evaluation to determine if the student is a student with a disability. Either a parent of a kindergarten through Grade 12 student or a school district may initiate a request for initial evaluation to determine if a student is gifted. The request for an evaluation is documented on the district's Consent for Evaluation form.

The school district must seek consent from the parent or guardian to conduct an evaluation whenever the district suspects that a kindergarten through Grade 12 student, or a child age three to kindergarten-entry age, is a student with a disability and needs special education and related services. Circumstances that would indicate that a kindergarten through Grade 12 student may be a student with a disability who needs special education and related services include, but are not limited to, the following:

1. When a school-based team determines that the kindergarten through Grade 12 student's response to intervention data indicates that intensive interventions implemented are effective but require a level of intensity and resources to sustain growth or performance that is beyond that which is accessible through general education resources;
2. When a school-based team determines that the kindergarten through Grade 12 student's response to interventions implemented indicates that the student does not make adequate growth given effective core instruction and intensive, evidence-based interventions; and
3. When a child age three to kindergarten entry age receives a developmental screening through the school district or the Florida Diagnostic and Learning Resources System and, based on the results of the screening, it is suspected that the child may be a child with a disability in need of special education and related services; or
4. When a parent requests an evaluation and there is documentation or evidence that the kindergarten through Grade 12 student or child age three to kindergarten-entry age who is enrolled in a school-district operated preschool program may be a student with a disability and needs special education and related services.

Within 30 days of a determination that a circumstance described in subsections 1., 2. or 3. above exists for a student in grades kindergarten through Grade 12 or a child age three to kindergarten entry age, the school district must request consent from the parent to conduct an evaluation, unless the parent and the school agree otherwise in writing.

If a parent requests that the school conduct an evaluation to determine whether their child is a child with a disability in need of special education and related services, the school district must within 30 days, unless the parent and the school agree otherwise in writing:

1. Obtain consent for the evaluation; or

2. Provide the parent with written notice in accordance with Rule 6A-6.03311, F.A.C., explaining its refusal to conduct the evaluation.

Prior to a school district request for an initial evaluation for students in Grade K through 12, school personnel must make one of the following determinations about general education procedures:

1. Whether the general education intervention procedures have been implemented as required under Rule 6A-6.0331, F.A.C., and that the data indicate that the student may be a student with a disability who needs special education and related services;
2. Whether the evaluation was initiated at the parent's request and the general education activities will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for special education and related services; or
3. Whether the nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the immediate needs of the student.

Describe the district's procedure for obtaining parental consent for an evaluation when, through the FDLRS or school district child find process, it is suspected that a child ages three to kindergarten-entry age may be a child with a disability. In addition, describe how the district will ensure that the parent will be given the opportunity to provide consent within 30 days of the parent's request.

When a school-based Collaborative Problem-Solving Team (CPST) reviews all available data regarding a student's response to intervention data following the provision of appropriate core instruction and intensive intervention implemented with fidelity and determines there is reason to suspect a disability (a) intensive interventions are effective but not sustainable with general education resources OR b) the student has made inadequate progress with intensive, evidence-based interventions), the CPST will invite the parents to a meeting within 30 days to discuss the need for an evaluation and obtain informed parental consent for the evaluation. If the parents are not present at the meeting, the Consent for Evaluation form should be sent to the parent with an explanation of the request for evaluation. If the consent form is not returned, the parent should be contacted via phone or through the assistance of school personnel to obtain the signed consent within 30 calendar days of the team's suspicion of a disability. When a pre-K child receives a developmental screening through the district's pre-K diagnostic and evaluation center and the team suspects that the child may be a child with a disability, the team explains the process and asks the parents to sign a Consent for Evaluation form at the conclusion of the screening.

Describe the district's procedures for responding within 30 days to a parent who requests that an evaluation be conducted to determine the student's eligibility for special education and related services.

The parents should be invited to meet with the school-based team within 30 days of the request to discuss their concerns with a school-based team of professionals (CPST). The team should bring all available data on the student, including the CUM folder, teacher records, and information regarding any interventions/accommodations put in place to assist the student. The parents should be encouraged to bring any data, private evaluations, or other information that would assist in decision-making. At this meeting, team members should explain to the parents that Florida State Rules governing ESE mandate CPS/RtI activities in the form of tiered interventions and collection of progress monitoring data in the general education classroom prior to (or concurrent with) referral for evaluation. At the conclusion of the problem-solving discussion, one of the following actions should be taken by the team: 1) A Notice of Refusal should be completed and provided to the parents if the school has current data that are shared with the parents indicating there is no need for the requested evaluation. 2) A Notice of Proposal/Refusal should be completed and signed by the parents if the parents and school-based team agree that there is not enough data to make a decision regarding the parent's request and the team agrees to implement interventions and reconvene a meeting at a specified future date to review progress monitoring data and revisit the potential need for an evaluation. 3) The parents should be asked to sign a Consent for Evaluation if: a) the school based team suspects the student may be a student with a disability, OR b) the parents insist on signing consent for evaluation AND the team does not have sufficient data to deny the request.

Describe the district's procedures for requesting an initial evaluation for students enrolled in the school district who may have disabilities and students who may be gifted.

Procedures for referral for a full and individual evaluation for students suspected of having a disability: When the CPS team concludes that a student has not made sufficient progress in response to focused interventions (Tier 2 and Tier 3) attempted in the regular classroom or the focused intervention cannot be faded, and team members suspect a disability, they refer the student for a full and individual evaluation. At this time, a designated school staff member obtains Initial Consent for Evaluation and submits a referral packet to the appropriate evaluation specialist's office. Procedures for referral for a full and individual evaluation for students suspected of giftedness: A school-based designee requests an initial evaluation for gifted when a student meets district defined cut scores on a gifted screening measure. A completed referral packet is sent to the appropriate evaluation specialist's office (see General Procedures for a description of the circumstances in which a referral can be submitted without documentation of completion of one or more of the activities normally required prior to making a referral for evaluation). For those students enrolled in Kindergarten through 12th grade who are demonstrating a need for special program (gifted), screening information will be collected and a determination for referral will be made. In cases where a referral is initiated, the following information is collected: • Parent Information Form (PIF) or Psychosocial Family Assessment • Rating Scales (The Gifted Indicators Checklist) • Screening Information-Includes, but is not limited to: - A brief intelligence test such as the Kaufman Brief Intelligence Test (KBIT) or Cognitive Abilities Test (Cog AT) - Review of grades/classroom performance • Parent Consent

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are enrolled in nonpublic schools or agency programs.

The Broward County School district has an obligation to evaluate parentally-placed children attending private schools within the district who are suspected of having a disability or being gifted. The school district, in cooperation with private schools, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in private schools already determined to have a disability. Parents may contact the Private School Office to initiate their request for an evaluation. The ESE and Support Services Division will collaborate with the parents and boundaried public school the child would attend if they were attending public school to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Describe the district's procedures for requesting an initial evaluation for students who may have disabilities and students who may be gifted who are not enrolled in any school.

The Broward County School district has an obligation to evaluate parentally-placed children not enrolled in any school within the district who are suspected of having a disability or being gifted. The school district, in cooperation with the parents, is required to locate and identify students whose parents suspect may have a disability. At no cost to the parents and with their consent, the school district will provide a full and individual evaluation to determine if a child has a disability and may need special education or related services. The school district will also conduct reevaluations every three years for children in home school already determined to have a disability. Parents may contact the boundaried school to initiate their request for an evaluation. The school will collaborate with the parents to begin the Collaborative Problem Solving procedures and determine if an evaluation is needed.

Part I. General Policies and Procedures

Section H.2: Conducting Student Evaluations and Reevaluations

Statutory and Regulatory Citations

34 CFR §§300.131 and 300.300–300.305
Chapter 490, F.S.
Sections 1003.57 and 1003.575, F.S.
Rules 6A-1.044, 6A-1.0502, 6A-6.03013, 6A-6.03014, 6A-6.03022, 6A-4.0311, 6A-6.0331, and 6A-6.03411, 6A-6.0361 and 6A-10.019, F.A.C.

Definitions

1. Evaluation means procedures used to determine whether a student has a disability or is gifted and in need of specially designed instruction and related services, and the nature and extent of the exceptional student education (ESE) that the student needs.
2. Reevaluation of a student with a disability is the process whereby existing evaluation data about the student is reviewed and additional data collected (if necessary) to determine whether the student continues to have a disability and be in need of specially designed instruction and related services, and the educational needs of the student.

Procedures for Evaluation

1. Responsibility for evaluation
    a. The school district is responsible for conducting a full and individual initial evaluation necessary to determine if the student is eligible for ESE services and to determine the educational needs of the student.
    b. Evaluations are conducted by qualified examiners (e.g., physicians, school psychologists, psychologists, speech language pathologists, teachers, audiologists, and social workers) as evidenced by a valid license or certificate to practice in Florida. In circumstances where the student's medical care is provided by a physician licensed in another state, at the discretion of the school district administrator for exceptional student education, a report of a physician licensed in another state may be accepted for the purpose of evaluation and consideration of eligibility as a student with a disability.
    c. Tests of intellectual functioning are administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    d. Unless statutory restrictions apply, the responsibility for determining who is qualified to administer and interpret a particular assessment instrument lies with the local school district. In determining qualified evaluators, districts may consider the following:
        - State Board of Education rules and the requirements of the Individuals with Disabilities Education Act (IDEA)
        - Testing standards (e.g., *Standards for Educational and Psychological Testing*)
        - User qualifications recommended by the publisher in the test manual
        - Level of training, supervision, experience, and certification of the individual administering or interpreting the instrument
2. Evaluation timelines
    a. The school district shall ensure that initial evaluations of students and preschool-age children age three through kindergarten-entry age suspected of having a disability are completed within 60 calendar days after the school district's receipt of parent consent for evaluation. Rule 6A-6.0331(3)(g), F.A.C., states that the following calendar days shall not be counted toward the 60 calendar day requirement:

i. All school holidays and Thanksgiving, winter and spring breaks as adopted by the district school board as required by Rule 6A-10.019, F.A.C.;

ii. The summer vacation period beginning the day after the last day of school for students and ending on the first day of school for students in accordance with the calendar adopted by the district school board as required by Rule 6A-10.019, F.A.C. However, the school district is not prohibited from conducting evaluations during the summer vacation period; and

iii. In the circumstance when a student is absent for more than eight school days in the 60 calendar day period, the student's absences shall not be counted toward the 60 calendar day requirement.

b. The 60-day timeline for evaluation does not apply if:

- The parent repeatedly fails or refuses to produce the student for the evaluation
- A student's school district of enrollment changes after the timeline has begun and prior to a determination by the student's previous school district as to whether the student has a disability

This exception only applies when the current school district is making sufficient progress to ensure a prompt completion of the evaluation and the parent agrees to a specific time when the evaluation will be completed.

Assessments of students who transfer within the same school year must be coordinated between schools to ensure prompt completion of evaluations.

c. The school district will ensure that students suspected of being gifted are evaluated within a reasonable time as defined in the district's ESE Policies and Procedures document as required by Rule 6A-6.03411(2), F.A.C., but no more than 90 school days that the student is in attendance after the school district's receipt of parental consent for the evaluation.

Describe the district's timeframe to ensure completion of gifted evaluations.

A reasonable period of time to complete evaluations for students suspected of being gifted is ninety (90) days, of which the student is in attendance after the school district's receipt of the parental consent for evaluation.

3. Parent consent

a. The school district will provide the parent written notice to the parent that describes any evaluation procedures the school district proposes to conduct. The school district will obtain written informed consent from the parent of a student to determine whether the student is a student with a disability or is gifted and needs ESE.

Parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students.

Parental consent for evaluation is not construed as consent for initial provision of exceptional student education services.

b. The school district must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability or gifted. In the event that the parent fails to respond to the district's request to obtain informed written consent, the district must maintain documentation of attempts made to obtain consent.

c. Based on 34 CFR §300.300(a) (2), the school district is not required to obtain informed consent from the parent for an initial evaluation if the child is a ward of the State and is not residing with the parent if:

- The school district cannot discover the whereabouts of the parent,
- The rights of the parent have been terminated, or

- The rights of the parent to make educational decisions have been subrogated by a judge and consent for initial evaluation has been given by an individual appointed by the judge to represent the student.

Based upon the definition of parent in Rule 6A-6.03411(1)(bb), F.A.C., "Parent means" **any** of the following:

i. A biological or adoptive parent of a student

ii. A foster parent

iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the State if the student is a ward of the State)

iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare

v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

d. If the parent refuses consent for an evaluation to determine eligibility as a student with a disability, the school district may continue to pursue consent for the evaluation by using the mediation or due process procedures.A district is not required to pursue an initial evaluation when the parent refuses consent and does not violate its child find or evaluation obligations if it declines to do so.

e. The school district may not use a parent's refusal to consent to initial evaluation to deny the parent or student any other service of the school district, except as provided by Rule 6A-6.0331, F.A.C.

4. Evaluation procedures

a. As part of an initial evaluation, a team of qualified professionals and the parent, as appropriate, must take the following actions:

i. Review existing evaluation data on the student, including:

- Evaluations and information provided by the student's parents,
- Current classroom-based, local, or State assessments and classroom-based observations, and
- Observations by teachers and related services providers.

ii. Identify, on the basis of that review and input from the student's parents, what additional data, if any, are needed to determine the following:

- Whether the student is a student with a disability
- The educational needs of the student

iii. The group conducting this review may do so without a meeting.

iv. The school district shall administer tests and other evaluation measures as may be needed to produce the data that is to be reviewed under this section.

v. If the determination under this section is that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the school district shall notify the student's parents of:

- That determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and to determine the

student's educational needs. The school district is not required to conduct the assessment unless requested to do so by the student's parents.

vi. In conducting an evaluation, the school district:

- Uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a data-based problem-solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent. This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's IEP or EP. The evaluation should include information that enables a student with a disability to be involved and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) or identifies the needs beyond the general curriculum of a student who is gifted.
- Does not use any single measure or assessment as the sole criterion for determining eligibility or educational programming.
- Uses technically sound instruments that assess the relative contribution of cognitive and behavioral factors, in addition to physical and developmental factors.

b. The school district ensures that assessments and other evaluation materials and procedures used to assess a student:

- Are selected and administered so as not to discriminate on a racial or cultural basis
- Are provided and administered in the student's native language, or other mode of communication, and in the form that most accurately measures what the student knows and can do
- Are used for purposes for which the measures are reliable and valid
- Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments

c. Assessments are selected and administered to best ensure that, if administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors being measured.

d. Assessments and other evaluation materials and procedures include measures that assess specific areas of educational need rather than those merely designed to provide a single general intelligence quotient. The school district uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the student.

e. The student is assessed in all areas of the suspected disability, including, if appropriate, health; vision, hearing, social emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is sufficiently comprehensive to identify all of the student's ESE needs, whether or not commonly linked to the suspected disability.

A Web-based Evaluation Resource developed to assist districts in selection of instruments for conducting diagnostic assessments, eligibility evaluations and for screening and progress monitoring is available at http://sss.usf.edu/resources/topic/ese/ESE_Eval/General/General.html.

5. If the parent obtains an independent educational evaluation at their own expense, the results shall be considered by the school district when making decisions regarding the student, if the evaluation meets school district criteria.

6. Following completion of the student's evaluation, the school district shall not unreasonably delay the determination of a student's eligibility for ESE services.

Describe the district's procedures for ensuring that a student's eligibility for ESE services is determined within a reasonable time following completion of the student's evaluation.

Upon completion of evaluation, the report(s) is/are generated and scanned into an electronic management system (typically 2 weeks). A parent participation form is generated ten days prior to the eligibility meeting being held.

Procedures for Reevaluation

1. Reevaluation is required in the following circumstances.
    a. Reevaluations must occur at least every three years, unless the parent and the school district agree that reevaluation is not needed. Reevaluation for Deaf/Hard-of-Hearing, Dual Sensory Impaired and Visually Impaired are not able to have reevaluation procedures waived.
    b. Reevaluation is required whenever the educational or related services needs of the student warrant a reevaluation or if the student's parent or teacher requests it.
    c. Reevaluation is required prior to the determination that the student is no longer a student with a disability in need of specially designed instruction and related services.
    d. Reevaluation of the student may **not** occur more than once a year, unless the parent and the school district agree otherwise.
    e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.
    f. Based on 34 CFR §§300.130 and 300.131, the district is responsible for reevaluation of students with disabilities attending:
        - Nonprofit private schools located within the district
        - For-profit private schools and are residents in the district
        - Home education
2. Reevaluation procedures

    As part of any reevaluation, the IEP team and other qualified professionals, as appropriate, must take the following actions:
    a. Review existing evaluation data on the student, including evaluations and information provided by the parents of the student and the student; current classroom-based district or state assessments and classroom-based observations by teachers and related services providers.
    b. Identify, on the basis of the review and parent input, what additional data, if any, are needed to determine the following:
        - Whether the student continues to have a disability;
        - The educational needs of the student;
        - The present levels of academic achievement and related developmental needs of the student;
        - Whether the student continues to need special education and related services; and
        - Whether any additions or modifications to the special education and related services are necessary to enable the student to meet the measurable annual goals set out in the student's IEP and to participate, as appropriate, in the general curriculum.
    c. The IEP team may conduct the review of existing evaluation data without a meeting.

d. If the IEP team determines that no additional evaluation data are needed to determine whether the student continues to be a student with a disability, and to determine the student's educational needs, the reevaluation is complete and the school district shall notify the student's parent(s) of the following:

- The determination and the reasons for that determination and
- The right of the parents to request an assessment to determine whether the student continues to be a student with a disability and determine the student's educational needs.

The school district is not required to conduct the assessment unless requested to do so by the student's parents.

e. Reevaluation is not required for a student before termination of eligibility due to graduation with a standard diploma or exiting upon reaching the student's 22nd birthday. However, the school district will provide the student with a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals.

f. The following rules require the administration of specific assessments as a part of a student's reevaluation:

- Rule 6A-6.03013, F.A.C., Students Who Are Deaf or Hard-of Hearing
- Rule 6A-6.03014, F.A.C., Students Who Are Visually Impaired
- Rule 6A-6.03022, F.A.C., Students Who Are Dual-Sensory Impaired

For students determined eligible under these rules, the administration of formal assessments at reevaluation must be completed in accordance with the requirements of these rules.

3. Parental consent when additional data are needed

a. The school district must obtain informed parental consent prior to conducting any reevaluation of a student with a disability.

b. Informed parental consent for reevaluation need not be obtained if the district can demonstrate that it made reasonable efforts to obtain such consent and the student's parent failed to respond.

4. Reevaluation timelines

a. The district must complete a reevaluation every three years unless the parent and the school district agree that a reevaluation is unnecessary.

b. If the IEP team identifies the need for additional data, the additional data collection must be completed within a reasonable time and prior to reevaluation due date if a triennial evaluation.

c. If an IEP team makes a recommendation for a student with a disability to receive an assistive technology assessment, that assessment must be completed within 60 school days after the team's recommendation.

Describe the district's procedures for ensuring that a reevaluation is conducted at least every three (3) years.

A Reevaluation Plan meeting is held by the student's IEP team prior to the triennial deadline.

Describe the district's procedures for ensuring that assessments and other data collection procedures are completed within a reasonable time following the review when the IEP team determines that additional data are needed.

For triennial reevaluations, testing must be completed within the triennial deadline, three years from the date of the last test given during the initial evaluation or most recent reevaluation. Evaluation reports should be written and provided to the team within a "reasonable" period of time (typically 2 weeks). Upon

receipt of all evaluation reports, a review of reevaluation information and IEP team meeting should be held within a "reasonable" period of time (typically 2 weeks). For early reevaluations, a 60-day timeline for assessment should be used as a guide for reasonableness. A Reevaluation Plan meeting is held at the request of the school or the parent. Testing should be completed within 60 school days of student attendance from receipt of signed consent. Evaluation reports should be written and provided to the team within a "reasonable" period of time. Upon receipt of all evaluation reports, a review of reevaluation information and an IEP team meeting should be held within a "reasonable" period of (typically 2 weeks).

Note: When a parent requests a reevaluation, the school's IEP team may request a meeting with the parent for the purpose of reviewing existing data and to determine what additional data may be needed. The school may then, at that meeting, obtain parental consent for reevaluation, if appropriate. If the parent refuses to meet in a timely manner, the school must send the parent one of the following:

- A Prior Written Notice of Consent for Reevaluation form indicating what assessments will be administered based on the IEP team's review of data, or
- A Prior Written Notice of Refusal.

Describe the district's procedures in place when a parent requests a reevaluation.

The school based staff schedules a meeting to review data and determine what areas require reevaluation. At that meeting, if the parent is requesting an evaluation in any area, consent is obtained and the evaluation is conducted. If the parent refuses to attend the meeting in a timely manner, then the district will exercise reasonable efforts to notify the parent of the meeting and attempts to coordinate the meeting for a time that is mutual to all parties. If after reasonable attempts to have the parent attend the meeting, the team will move forward with the meeting and will notify the parent in writing of the team's decisions regarding the initiation of the reevaluation process.

Describe the district's procedures for ensuring that an assistive technology assessment is completed within 60 school days after an IEP team makes the recommendation.

The LEA Designee at the school site notifies all evaluators involved in the reevaluation plan, including the Assistive Technology Program Specialist, that the 60 school day timeline is in effect from the day the IEP team met and determined that an assistive technology assessment was needed. The IEP team, with the possible assistance of AT Program staff, will complete the AT Assessment and Implementation Plan within 60 school days. The report will be submitted to Easy IEP via document upload (Paperclip) and an IEP meeting scheduled to convey the report results

5. Determination of continued need for special education and related services
    a. A meeting of the individual educational plan team is convened to review all available information about the student, including reports from the additional evaluations, and to determine whether the student continues to be a student with a disability in need of special education and related services. If the student continues to be an eligible student, the student's individual educational plan is reviewed and revised, as appropriate, to incorporate the results of the reevaluation.
    b. If the reevaluation indicates that the student is no longer a student with a disability or that special education and related services are no longer needed, the parent must be provided prior written notice that these services will be discontinued.
    c. If the reevaluation indicates that the student's disability has changed (i.e., adding, deleting, or changing a disability category), the applicable eligibility staffing procedures are followed.

Part I. General Policies and Procedures

Section I: Independent Educational Evaluations

Statutory and Regulatory Citations

34 CFR §300.502
Rule 6A-6.03311, F.A.C.

Definition

An independent educational evaluation (IEE) is an evaluation conducted by a qualified evaluation specialist who is not employed by the school district responsible for the education of the student in question.

General

1. The parents of a student with a disability have the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the school district.
2. The parent of a student with a disability is to be provided, upon request for an IEE, information about where an IEE may be obtained and the school district criteria applicable to IEEs.
3. Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
4. Whenever an IEE is conducted, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluation specialist, shall be the same as the criteria used by the school district when it initiates an evaluation, to the extent that those criteria are consistent with the parent's right to an IEE.
5. The school district may not impose conditions or timelines for obtaining an IEE at public expense other than those criteria described in rule 6A-6.03311, F.A.C.
6. If a parent requests an IEE at public expense, the school district must, without unnecessary delay, **either**:
    - Ensure that an IEE is provided at public expense.
    - Initiate a due process hearing under Rule 6A-6.03311, F.A.C. to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the school district's evaluation is appropriate, then the parent still has a right to an IEE but not at public expense.
7. If a parent requests an IEE, the school district may ask for the parent to give a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required, and the school district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the district's evaluation.
8. A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.
9. If the parent obtains an IEE at public expense or shares with the school district an evaluation obtained at private expense:
    - The school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate school district criteria described in Rule 6A- 6.03311, F.A.C.
    - The results of such evaluation may be presented by any party as evidence at any due process hearing regarding that student.
10. If an administrative law judge requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.

Describe the district's policies and procedures for responding to a parent's request for an IEE at public expense.

All requests for an Independent Educational Evaluation are to be sent immediately to the Due Process Coordinators and the District Coordinators for Psychological Services or the appropriate supervisor of the evaluator. A letter is sent to the parent(s) confirming receipt of their request, without any undue delay. The Due Process Coordinator reviews the request along with other pertinent District staff to determine whether to grant the Independent Educational Evaluation request or to file a Due Process Hearing Request to defend the District's evaluation. If necessary, prior to making a decision, staff may contact the parent(s) for clarification regarding the request. If no clarification is provided by the parent(s), the District will proceed with its review of the request.

Describe the district's policies and procedures for consideration of the results of an IEE obtained at private expense.

Whenever a parent(s) of a student already identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene an IEP committee team to review the private evaluation and consider any additional areas of disability (as applicable) or revise the current IEP to reflect the new data. Whenever a parent(s) of a general education student who is not identified as a student with a disability, submits an Independent Educational Evaluation which they have obtained at their own expense, school staff are advised to convene a CPST meeting to review the private evaluation and consider the need for interventions.

Part II.
Policies and Procedures for Students with Disabilities

Part II. Policies and Procedures for Students with Disabilities

Section A: Instructional Program

Statutory and Regulatory Citation

Rule 6A-6.03411, F.A.C.

The following applies to the instructional program for students with disabilities in general. In addition to the philosophical, curricular, and instructional support issues included here, there are disability-specific expectations or requirements for certain categories of disability. That information is provided in the relevant *Exceptional Student Education Eligibility* sections of this document.

Philosophy

1. Each student with a disability is entitled to receive FAPE in the least restrictive environment that will enable the student to progress in the general curriculum to the maximum extent possible.
2. Special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the student that result from the student's disability and to prepare the student for further education, employment, and independent living. Related services are defined in Rule 6A-6.03411(1)(dd), F.A.C.
3. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.
4. Specially designed instruction may employ universal design for learning, assistive technology, accommodations, or modifications.

Curriculum

1. To maximize accessibility to the curriculum, students will access the state standards through appropriate programming, support from special education and regular education teachers, support in the use of assistive technology, and through the use of universal design principals.
2. For all students with disabilities, these supports provide progress toward a standard high school diploma.

Instructional Support

1. Students receive instructional support through specially designed instruction and related services as determined through the IEP process.
2. Teachers are trained in designing and implementing individualized programs to address the learning needs of each student.
3. Teachers are provided with administrative support to assure reasonable class size and workload, adequate funds for materials, and professional development.
4. Teachers instruct students in the unique skills necessary to access and benefit from the core curriculum. These skills may include, but are not limited to, curriculum and learning strategies, compensatory skills, independent functioning, social emotional behavior, use of assistive technology, and communication.
5. A range of service delivery options is available to meet the student's needs: consultation, itinerant instruction, resource room, special class, separate school, residential placement, homebound or hospitalized, and community-based or home-based services.
6. School districts may provide professional development for teachers in coordination with community agencies, the Florida School for the Deaf and the Blind, discretionary projects funded by the Department of Education and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Division of Vocational Rehabilitation, Department of Children and Families, and the Department of Health, Children's Medical Services, as appropriate.

Part II. Policies and Procedures for Students with Disabilities

Section B.1: Exceptional Student Education Eligibility for Students with Autism Spectrum Disorder

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03023, 6A-6.0331, and 6A-6.03411, F.A.C.

Definition

Autism spectrum disorder (ASD) is a condition that reflects a wide range of symptoms and levels of impairment, which vary in severity from one individual to another. Autism spectrum disorder is characterized by an atypical developmental profile with a pattern of qualitative impairments in social interaction and social communication, and the presence of restricted or repetitive, patterns of behavior, interests, or activities, which occur across settings.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with ASD if evidence of **all** of the following criteria are met:

1. Impairment in social interaction as evidenced by delayed, absent, or atypical ability to relate to individuals or the environment;
2. Impairment in verbal or nonverbal language skills used for social communication
3. Restricted or repetitive patterns of behavior, interests, or activities;
4. The core features identified in 1, 2, and 3 occur across settings.
5. The student demonstrates a need for special education as defined in Rule 6A-6.03411(1)(kk), F.A.C.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331(5), F.A.C., the district shall conduct a full and individual evaluation that addresses the core features of ASD to include deficits in social interaction, social communication, and restricted or repetitive patterns of behavior, interests, or activities. An evaluation for determining eligibility shall include the following components:

1. Behavioral observations conducted by members of the evaluation team targeting social interaction, social communication skills, and restricted or repetitive patterns of behavior, interests, or activities across settings;
2. A social developmental history based on an interview with the parents(s) or guardian(s);
3. A psychological evaluation that includes assessment of academic, intellectual, social-emotional, and behavioral functioning and must include at least one standardized instrument specific to ASD;
4. A language evaluation that includes assessment of the pragmatic (both verbal and nonverbal) and social interaction components of social communication (an observation of the student's social communication skills must be conducted by a speech language pathologist);
5. A standardized assessment of adaptive behavior; and
6. If behavioral concerns are present, a functional behavioral assessment is conducted to inform behavioral interventions on the student's individual educational plan.

Unique Philosophical, Curricular, or Instructional Considerations

1. While students with ASD share instructional needs with other students, there are characteristics that are specific to ASD, including the development and use of language and communication skills, the development of appropriate social skills, and the development of appropriate behavioral skills. The need

to tailor instruction to the individual learning styles and needs of each student requires that teachers of students with ASD be knowledgeable in a variety of educational strategies.

2. Inherent in a program for students with ASD is the recognition that ASD is a developmental disability that adversely impacts the student's communication, social, and behavioral skills. It is important to take into consideration the student's strengths and needs in all three areas when tailoring educational services for the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with autism spectrum disorders.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.2: Exceptional Student Education Eligibility for Students who are Deaf or Hard-of-Hearing

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, and 300.113
Sections 1003.01(3), 1003.55, and 1003.57, F.S.
Rules 6A-6.03013 and 6A-2.0010, 6A-6.03028 and 6A-6.0331, F.A.C.

Definition

A student who is deaf or hard-of-hearing has a hearing loss, aided or unaided, that impacts the processing of linguistic information and which adversely affects performance in the educational environment. The degree of loss may range from mild to profound.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student who is deaf or hard-of-hearing if the following criteria are met:

1. Medical: An audiological evaluation documents a permanent or fluctuating hearing threshold level that interferes with progress in any one of the following areas: developmental skills or academic performance, social-emotional development, or linguistic and communicative skills as evidenced by:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear; or
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear; or
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided; or
    d. Auditory Evoked Potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above,
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. Audiological evaluation
2. Evaluation of developmental skills or academic achievement, including information on the student's academic strengths and weaknesses
3. Evaluation of social development
4. Evaluation of receptive and expressive communication
5. A comprehensive nonverbal assessment of intellectual functioning or developmental scales, if more appropriate, for children under age seven

Selection of assessment instruments shall take into consideration the student's functioning level, degree of hearing loss, and method of communication.

Student Reevaluation

A reevaluation will occur at least every three years and will include at a minimum an audiological evaluation and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with the Student Evaluation section above.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C. The following are qualified evaluators for specialized evaluations:

1. An audiologist for an audiological evaluation
2. A teacher of the deaf or hard-of-hearing
3. A speech and language pathologist
4. A school psychologist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students who are identified as deaf or hard-of-hearing will be screened for Usher syndrome at least one time between grades 6 and 12. Qualified evaluators include: teachers of the deaf or hard-of-hearing, speech language pathologists, audiologists, teachers of the blind or visually impaired, and school health personnel who have been trained in Usher's screening procedures.
2. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
3. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. The school district shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, and opportunities for direct instruction in the student's language and communication mode.
4. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
5. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
6. Interpreting services includes the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print; and TypeWell; and special interpreting services for children who are deaf-blind.
7. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., Personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five (5)-year cycle. Visual alarm devices shall be provided in all areas where students who are deaf or hard-of-hearing may be separated from

persons with normal hearing—group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

8. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are deaf or hard-of-hearing.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.3: Exceptional Student Education Eligibility for Prekindergarten Children who are Developmentally Delayed

Statutory and Regulatory Citations

34 CFR §§300.8 and 303.21
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03026, 6A-6.03027 6A-6.03028, 6A-6.03029, 6A-6.03031, 6A-6.0331 and 6A-6.03411, F.A.C.

Definitions

1. For an infant or toddler from birth through two years of age, developmental delay is defined as delay in one or more of the following developmental domains: adaptive development; cognitive development; communication development; social or emotional development; or physical development.
2. For a child three through five years of age, developmental delay is defined as a delay in one or more of the following areas: adaptive or self-help development; cognitive development; communication development; social or emotional development; or physical development, including fine, gross, or perceptual motor.

Eligibility Criteria

1. For a child three through five years of age

   A child is eligible for specially designed instruction and related services as a student with developmental delay when the following criteria are met:

   a. The child is three through five years of age.

   b. There is documentation of **one** of the following:

      - A score of two standard deviations (SD) below the mean or a 25 percent delay on measures yielding scores in months in at least one area of development
      - A score of 1.5 SD below the mean or a 20 percent delay on measures yielding scores in months in at least two areas of development
      - Based on informed clinical opinion, the eligibility staffing committee makes a recommendation that a developmental delay exists and exceptional student education services are needed

   c. The eligibility staffing committee or multidisciplinary team, which includes the invited parent(s), makes a determination concerning the effects of the environment, cultural differences, or economic disadvantage.

2. For a child birth through two years of age (below 36 months)

   An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian, in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

   a. The child is below the age of 36 months;

   b. There is documentation of **one** of the following:

      i. A score of 1.5 standard deviations below the mean in two or more developmental domains as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

      ii. A score of 2.0 standard deviations below the mean in one developmental domain as measured by at least one appropriate diagnostic instrument and procedures, and informed clinical opinion; or

iii. Based on informed clinical opinion a determination has been made that a developmental delay exists.

c. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;

d. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has a developmental delay as defined in section (2)(b) of this rule; and,

e. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Child Evaluation

In addition to the provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children, the evaluation for determination of eligibility shall include the following:

Procedures for evaluation for children three through five years:

1. The school district must seek consent from the parent or guardian to conduct an evaluation within 30 days, unless the parent and the school district agree otherwise in writing, whenever:
    a. The Florida Diagnostic and Learning Resource Center's or the district's developmental screening results indicate that the child, three years to kindergarten-entry age, is a child with a disability and needs special education and related services.
    b. A parent requests an evaluation and there is documentation or evidence that the child may be a student with a disability in need of special education.
2. Developmental delay is documented by a multidisciplinary team using multiple measures of assessment, which include the following:
    - Standardized instruments, judgement-based assessments, criterion-referenced instruments, systematic observation, functional skills assessments, or other procedures selected in consultation with the parent(s); or
    - Informed clinical opinion using qualitative and quantitative information to determine the need for early intervention services; and
    - Parent report, which can confirm or modify information obtained and describe behavior in environments that the district may not be able to access.
3. When a developmental delay cannot be verified by the use of standardized instruments, the delay(s) may be established through observation of atypical functioning in any one or more of the developmental areas. A report shall be written documenting the evaluation procedures used, the results obtained, the reasons for overriding those results from standardized instruments, and the basis for recommending eligibility.

Continued Eligibility for ESE Services

1. For a child three through five years of age, continued eligibility as a student with a disability under another category will be determined before the child is six years old.
2. For a child birth through two years of age (below 36 months), continued eligibility as a child with a disability will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. For a child three through five years of age
    a. As appropriate, the individualized family support plan (IFSP) or individual educational plan (IEP) shall be developed through interagency collaboration with the family and other providers of services to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03028, and 6A-6.03029, F.A.C.
    b. Because of the rapid development of young children, on-going observations and assessments shall be conducted as needed to plan for IFSP or IEP modifications.

2. For a child birth through two years of age (below 36 months)

    a. The IFSP shall be developed in collaboration with the family and other providers of service to the child and family and in accordance with Rules 6A-6.03026, 6A-6.03029, and 6A-6.0331, F.A.C.

    b. Because of the rapid development of young children and the changing needs of families, ongoing observations or assessments shall be conducted at least every six months for the purpose of completing the periodic review of the IFSP.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with developmental delays.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.4: Exceptional Student Education Eligibility for Students who are Dual-Sensory Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.113, and 300.172 and 300.324
Chapters 458 and 463, F.S.
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-2.0010, 6A-6.03014, 6A-6.03022 and 6A-6.0331, F.A.C.

Definition

Dual-sensory impairment is defined to mean concomitant hearing and visual impairments, or etiology or diagnosed medical condition that indicates a potential dual sensory loss, the combination of which impacts communication, independence, and other developmental and educational needs.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a dual-sensory impairment if the following criteria are met:

1. One or more of the following visual impairments:
    a. A visual acuity of 20/70 or less in the better eye after best correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction;
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting; as stated in Rule 6A-6.03014(3)(a), F.A.C.; **or**
    e. Functional blindness;

    and
2. One or more of the following hearing impairments:
    a. 25 decibel (dB) + or - 5 dB or greater based on pure tone average or average of 500, 1000, and 2000 Hz unaided in the better ear;
    b. A high frequency hearing threshold level of 25 dB + or - 5 dB or greater based on pure tone average of 1000, 2000, and 3000 Hz unaided in the better ear;
    c. A unilateral hearing threshold level of 50 dB + or - 5 dB or greater based on pure tone average of 500, 1000, and 2000 Hz unaided;
    d. Auditory evoked potential responses evidencing permanent hearing loss at multiple frequencies equivalent to or in excess of the decibel hearing loss threshold criteria for pure tone audiometric testing specified above; **or**
    e. Functional hearing loss;

    and
3. The student demonstrates a need for special education.

OR

4. The student has a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., confirming the existence of such a medical condition having the potential for dual sensory loss to include the diagnosis, its prognosis, and the potential for dual sensory loss; and
5. The student demonstrates a need for special education.

Student Evaluation

In addition, to the procedures defined in Rule 6A-6.0331(5), F.A.C., the minimum student evaluations include:

1. A medical eye exam by an ophthalmologist or optometrist licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing etiology, diagnosis, treatment regimen, prognosis, near and distance vision, corrected and uncorrected acuity measures for left eye, right eye, and both eyes, measure of field of vision, and recommendations for lighting levels, physical activity, aids, or use of glasses, as appropriate;
2. An audiological evaluation;
3. A functional vision evaluation;
4. A functional hearing assessment;
5. An assessment of social development;
6. An evaluation of receptive and expressive communication by a speech and language pathologist;
7. A learning media assessment;
8. If appropriate, an orientation and mobility assessment and sign language assessment; and
9. If available, a medical report from a physician licensed in Florida in accordance with Chapter 458 or Chapter 463, F.S., unless a report of a medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., describing the etiology or diagnosis of the student's medical condition that does, or has the potential to, result in dual sensory loss.

Student Reevaluation

1. A reevaluation shall occur at least every three years and shall include, at a minimum, the following:
    a. A functional vision evaluation;
    b. A functional hearing assessment;
    c. An assessment of social development;
    d. An evaluation of receptive and expressive communication by a speech and language pathologist;
    e. A learning media assessment;
    f. If appropriate, an orientation and mobility assessment and a sign language assessment; and
    g. Any other evaluations specified by an evaluation specialist and an exceptional student teacher after examination of available information in all areas addressed in the initial evaluation or in subsequent reevaluations of the student in accordance with Rule 6A-6.0331, F.A.C.

Qualified Evaluators

All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C.

The following are qualified evaluators for specialized evaluations:

1. An optometrist or ophthalmologist for a medical eye exam
2. A teacher of the visually impaired, orientation and mobility specialist, or low vision specialist for a functional vision assessment
3. An audiologist for an audiological evaluation
4. A teacher of the deaf or hard-of-hearing, speech and language pathologist, or audiologist for a functional hearing assessment.

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments, including students with dual-sensory impairment, are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Additionally, information regarding all students who are dual-sensory impaired shall be submitted to the state's annual census report for the national child count of students and youth who are both deaf and blind.
2. In accordance with 34 CFR §300.324, students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
3. Orientation and mobility is a related service provided to blind or visually impaired students if determined necessary by the IEP team that enables those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
4. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Model Communication Plan adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner. School districts shall consider the communication and language needs of students who are deaf or hard-of-hearing, including opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode in accordance with 34 CFR §300.324.
5. Students shall have access to instruction using the method of communication most readily understood by the student. Each student who is deaf or hard-of-hearing shall have the opportunity to develop expressive and receptive language skills using any or all of the following:
    a. Residual hearing
    b. Speech reading
    c. Manual communication systems
    d. Speech
    e. Appropriate amplification
6. Routine checking of hearing aids worn in school by students with hearing loss and the external components of surgically implanted medical devices (i.e., cochlear implants) is required to ensure that these devices are functioning properly.
7. Assistive technology and related services do not include a medical device that is surgically implanted, or the replacement of such device. Although cochlear implants are not considered assistive technology, children with cochlear implants maintain the right to receive related services that are determined by the IEP team to be necessary for the student. School districts are responsible for providing appropriate services for the students. However, appropriate services do not include maintaining, optimizing (i.e., mapping), or replacing cochlear implants.
8. Interpreting services include the following, when used with respect to children who are deaf or hard-of-hearing: oral transliteration services; cued language transliteration services; sign language transliteration and interpreting services; transcription services, such as CART, C-Print, and TypeWell; and special interpreting services, such as an intervener, for children who are deaf-blind.
9. Each learning environment shall have appropriate acoustic treatment, lighting, and auditory amplification equipment to meet the individual needs of each student. Auditory equipment shall be made available through the school district (e.g., personal or Soundfield FM systems, infrared systems, induction loop systems, and other assistive listening devices). Auditory equipment will be calibrated annually, maintained, and considered for replacement on a five-year cycle. Visual alarm devices shall

be provided in all areas where students who are deaf or hard-of-hearing may be separated from persons with normal hearing, such as group bathrooms, corridors, specific areas designated for the deaf, etc., in accordance with Rule 6A-2.0010, F.A.C.

10. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with dual-sensory impairment.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.5: Exceptional Student Education Eligibility for Students with Emotional or Behavioral Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03016 and 6A-6.0331, F.A.C.

Definition

A student with an emotional or behavioral disability (EBD) has persistent (is not sufficiently responsive to implemented evidence-based interventions) and consistent emotional or behavioral responses that adversely affect performance in the educational environment that cannot be attributed to age, culture, gender, or ethnicity.

Evidence-Based Interventions in General Education

Prior to an evaluation, the district must meet the general education requirements in Rule 6A-6.0331(1), F.A.C., including the responsibility to implement evidence-based interventions for students requiring additional academic and emotional or behavioral support in the general education environment. General education activities and interventions conducted prior to an evaluation in accordance with Rule 6A-6.0331(1) F.A.C., may be used to satisfy the requirements of Rule 6A-6.03016, F.A.C.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with emotional or behavioral disabilities if the following criteria are met:

1. A student with an emotional or behavioral disability demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors; and one or more of the following characteristics:
    a. Internal factors characterized by:
        - Feelings of sadness, or frequent crying, or restlessness, or loss of interest in friends or school work, or mood swings, or erratic behavior; or
        - The presence of symptoms such as fears, phobias, or excessive worrying and anxiety regarding personal or school problems; or
        - Behaviors that result from thoughts and feelings that are inconsistent with actual events or circumstances, or difficulty maintaining normal thought processes, or excessive levels of withdrawal from persons or events; or
    b. External factors characterized by:
        - An inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and other adults in the school setting; or
        - Behaviors that are chronic and disruptive such as noncompliance, verbal or physical aggression, or poorly developed social skills that are manifestations of feelings, symptoms, or behaviors as specified in section 1.a) above.
2. The characteristics described above are present for a minimum of six months duration and in two or more settings, including but not limited to, school, educational environment, transition to or from school, or home and community settings. At least one setting must include school.
3. The student demonstrates a need for special education.
4. In extraordinary circumstances, the general education requirements in Rule 6A-6.0331, F.A.C., and the criteria for eligibility relating to duration and setting described in 2. Above may be waived when

immediate intervention is required to address an acute onset of an internal characteristic listed above in 1. a) of the Eligibility Criteria section.

5. The characteristics described below are not indicative of a student with an emotional or behavioral disability:
    a. Normal, temporary (fewer than six months) reactions to life event(s) or crisis, or
    b. Emotional or behavioral difficulties that improve significantly from the presence of evidence-based implemented interventions, or
    c. Social maladjustment unless also found to meet the criteria for an emotional or behavioral disability

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include **all** of the following:

1. A functional behavioral assessment (FBA) must be conducted. The FBA must identify the specific behavior(s) of concern, conditions under which the behavior is most and least likely to occur, and function or purpose of the behavior. A review and, if necessary, a revision of an FBA completed as part of general education interventions may meet this requirement if it meets the conditions described in this section. If an FBA was not completed to assist in the development of general education interventions, one must be completed and a well-delivered scientific, research-based behavioral intervention plan of reasonable intensity and duration must be implemented with fidelity prior to determining eligibility.
2. The evaluation must include documentation of the student's response to general education interventions implemented to target the function of the behavior as identified in the FBA.
3. A social developmental history compiled from a structured interview with the parent or guardian that addresses developmental, familial, medical, health, and environmental factors impacting learning and behavior, and which identifies the relationship between social developmental and socio-cultural factors, and the presence or nonpresence of emotional or behavioral responses beyond the school environment.
4. A psychological evaluation conducted in accordance with Rule 6A-6.0331, F.A.C. The psychological evaluation should include assessment procedures necessary to identify the factors contributing to the development of an emotional or behavioral disability, which include behavioral observations and interview data relative to the referral concerns, and assessment of emotional and behavioral functioning, and may also include information on developmental functioning and skills. The psychological evaluation shall include a review of general education interventions that have already been implemented and the criteria used to evaluate their success.
5. A review of educational data that includes information on the student's academic levels of performance, and the relationship between the student's academic performance and the emotional or behavioral disability; additional academic evaluation may be completed if needed.
6. A medical evaluation must be conducted when it is determined by the administrator of the exceptional student program or the designee that the emotional or behavioral responses may be precipitated by a physical problem.

Unique Philosophical, Curricular, or Instructional Considerations

1. When making a distinction between students with internalized or externalized characteristics, the IEP team will consider these presenting manifestations as they determine the needs of the students when recommending: goals and short-term objectives or benchmarks, if appropriate; specially designed instruction and related services; and the location of such services.
2. Services for students with EBD provide an integrated curriculum of academic, affective, and behavioral interventions. These services are designed to support the improvement of academic and social functioning through academic (e.g., differentiated instruction, mastery learning), affective (e.g., individual or group counseling, parent education and support), and behavioral (e.g., behavior support; consultation from mental health, medical, or other professionals) interventions. Student improvement is measured through continuous progress monitoring of responses to intervention.

A critical component of effective EBD services is parent involvement and on-going communication about implementation and outcomes of interventions.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with emotional or behavioral disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.6: Exceptional Student Education Eligibility for Infants or Toddlers Birth through Two Years Old who have Established Conditions

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§303.21 and 303.300
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rules 6A-6.03030, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

An infant or toddler with an established condition is defined as a child from birth through two years of age with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay. Such conditions shall include genetic and metabolic disorders, neurological disorders, a severe attachment disorder, an autism spectrum disorder, a sensory impairment (vision or hearing), or the infant's birth weight was less than 1,200 grams.

Eligibility Criteria

An infant or toddler is eligible for exceptional student education when a team of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331(6), F.A.C., determine that **all** the following criteria are met:

1. The infant or toddler is below the age of 36 months;
2. The requirements of Rule 6A-6.0331(2), F.A.C., have been met;
3. There is written evidence that the Department of Health, Children's Medical Services, Part C Local Early Steps has determined that the infant or toddler has an established condition as defined in section (1) of Rule 6A-6.03030, F.A.C.; and,
4. The infant or toddler needs early intervention services as defined in Rule 6A-6.03411(1)(i), F.A.C.

Continued Eligibility

Continued eligibility for exceptional student education programs will be determined before the child's third birthday.

Unique Philosophical, Curricular, or Instructional Considerations

The individualized family support plan (IFSP) shall be developed with the Local Early Steps, the family, and other providers of service to the child and family, and shall include services to provide the parent, guardian, or primary caregiver the opportunity to acquire specific skills and knowledge that will enable them to enhance the child's cognitive, physical, social, communication, and adaptive behavior. In the provision of an appropriate educational program for eligible children with disabilities ages birth through two years, home instruction may include direct instruction of the parent, guardian, or primary caregiver.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for children birth through two years old with established conditions.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.7: Exceptional Student Education Eligibility for Students who are Homebound or Hospitalized

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.115
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03011, 6A-6.03012, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-6.03020,6A-6.03022, 6A-6.03023, 6A-6.03027 and 6A-6.03028, F.A.C.

Definitions

A homebound or hospitalized student is a student who has a medically diagnosed physical or psychiatric condition that is acute or catastrophic in nature, a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

Eligibility Criteria

A student is eligible for educational instruction through homebound or hospitalized services if the following criteria are met:

1. A physician licensed in Florida in accordance with Chapter 458 or 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C., must certify:
    a. That the student is expected to be absent from school due to a physical or psychiatric condition for at least 15 consecutive school days (or the equivalent on a block schedule), or due to a chronic condition for at least 15 school days (or the equivalent on a block schedule), which need not run consecutively; and
    b. That the student is confined to home or hospital; and
    c. That the student will be able to participate in and benefit from an instructional program; and
    d. That the student is under medical care for illness or injury that is acute, catastrophic, or chronic in nature; and
    e. That the student can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.
2. The student is in kindergarten through twelfth grade and is enrolled in public school, unless the students meets criteria for eligibility under Rules 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022, 6A-6.03023, or 6A-6.03027, F.A.C
3. A child is three (3) through (5) years of age and has been determined eligible as a student with a disability in accordance with s. 1003.571, F.S., and Rule 6A-6.03011, 6A-6.03012, 6A-6.030121, 6A-6.03013, 6A-6.03014, 6A-6.030151, 6A-6.030152, 6A-6.030153, 6A-6.03016, 6A-6.03018, 6A-3.03022. 6A-6.03023, 6A-6.03026, 6A-6.03027, or 6A-6.03411, F.A.C.
4. A parent, guardian, or primary caregiver signs a parental agreement concerning homebound or hospitalized policies and parental cooperation.

Student Evaluation

In addition to the provisions of Rule 6A-6.0331(5), F.A.C., the minimum evaluation for determining eligibility shall include the following:

1. A current medical report from a licensed physician, as defined above, describing the following:
    a. A disabling condition or diagnosis with any medical implications for instruction;
    b. A statement that the student is unable to attend school;
    c. The plan of treatment;
    d. Recommendations regarding school re-entry and other school- related activities; and
    e. An estimated duration of condition or prognosis.
2. The team determining eligibility may require additional evaluation data. This additional evaluation data must be obtained at no cost to the parent.
3. A physical reexamination and a medical report by a licensed physician or physicians, which may be requested by the administrator of exceptional student education or the administrator's designee on a more frequent basis than annually, may be required if the student is scheduled to attend school part of a day during a recuperative period of readjustment to a full school schedule. This physical examination and medical report shall be obtained at no cost to the parent.

Procedures for Providing an Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP)

1. The IEP or IFSP shall be developed or revised following determination of eligibility in accordance with this rule.
2. A student may be assigned to both a homebound or hospitalized program and to a school-based program due to an acute, chronic or intermittent condition as certified by a licensed physician.
3. This decision shall be made by the IEP or IFSP team in accordance with the requirements of Rule 6A-6.03028 or 6A-6.03029, F.A.C.

Instructional Services

The following settings and instructional modes, or a combination thereof, are appropriate methods for providing instruction to students determined eligible for these services:

1. Instruction in a home. The parent, guardian or primary caregiver shall provide a quiet, clean, and well-ventilated setting where the teacher and student will work; ensure that a responsible adult is present; and establish a schedule for student study between teacher visits that takes into account the student's medical condition and the requirements of the student's coursework.
2. Instruction in a hospital. The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits.
3. Instruction through telecommunications or electronic devices. When the IEP or IFSP team determines that instruction is by telecommunications or electronic devices, an open, uninterrupted telecommunication link shall be provided, at no additional cost to the parent, during the instructional period. The parent shall ensure that the student is prepared to actively participate in learning.
4. Instruction in other specified settings. The IEP or IFSP team may determine that instruction would be best delivered in a mutually agreed upon alternate setting other than the home, or hospital or through telecommunications or electronic devices.
5. Instruction in a school setting on a part-time basis may be appropriate as the student transitions back to the student's regular class schedule, if the IEP or IFSP team determines this meets the student's needs.
6. Services for students in specialty hospitals. In accordance with the requirements of s 1003.57, F.S., eligible students receiving treatment in a children's specialty hospital licensed in accordance with Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides. The agreement must ensure the timely provision of seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

7. Notification Agreement. A school district in which a children's specialty hospital is located must enter into an agreement with the hospital that establishes a process by which the hospital must notify the school district of students who may be eligible for educational instruction through homebound or hospitalized services pursuant to s. 1003.57, F.S.

Students Receiving Treatment in a Children's Specialty Hospital

Eligible students receiving treatment in a children's specialty hospital licensed under Chapter 395, Part I, F.S., must be provided educational instruction from the school district in which the hospital is located until the school district in which the hospital is located enters into an agreement with the school district in which the student resides.

The district must enter into an agreement with children's specialty hospitals in the district. This agreement establishes a process by which the hospital must notify the school district of students who may be eligible for instruction consistent with the eligibility for homebound and hospitalized services.

The district has entered into an agreement with a children's specialty hospital.

◉ Yes
○ No
○ N/A

If yes, identify the children's specialty hospitals licensed under Chapter 395, Part I, F.S., which are located in your district.

Joe DiMaggio Children's Hospital

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are hospitalized or homebound.

○ The school district has provided additional information for this section in Appendix B of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.8: Exceptional Student Education Eligibility for Students with Intellectual Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Chapter 490, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-4.0311, 6A-6.03011 and 6A-6.0331, F.A.C.

Definition

An intellectual disability is defined as significantly below average general intellectual and adaptive functioning manifested during the developmental period, with significant delays in academic skills. Developmental period refers to birth to 18 years of age.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an intellectual disability if the following criteria are met:

1. The measured level of intellectual functioning is more than two standard deviations below the mean on an individually measured, standardized test of intellectual functioning.
2. The level of adaptive functioning is more than two standard deviations below the mean on the adaptive behavior composite or on two out of three domains on a standardized test of adaptive behavior. The adaptive behavior measure shall include parental or guardian input.
3. The level of academic or pre-academic performance on a standardized test is consistent with the performance expected of a student of comparable intellectual functioning.
4. The social developmental history identifies the developmental, familial, medical, health, and environmental factors impacting student functioning and documents the student's functional skills outside of the school environment.
5. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the minimum evaluation for determining eligibility shall include all of the following:
    a. A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with Rule 6A-4.0311, F.A.C., or licensed under Chapter 490, F.S.
    b. A standardized assessment of adaptive behavior to include parental or guardian input.
    c. An individually administered standardized test of academic or pre-academic achievement. A standardized developmental scale shall be used when a student's level of functioning cannot be measured by an academic or pre-academic test.
    d. A social developmental history that has been compiled directly from the parent, guardian, or primary caregiver.
2. Eligibility is determined by a group of qualified professionals and the parent or guardian in accordance with Rule 6A-6.0331, F.A.C. The documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:
    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.
    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic and intellectual functioning.

c. The educationally relevant medical findings, if any.

d. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency.

e. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusion.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with intellectual disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.9: Exceptional Student Education Eligibility for Students with Orthopedic Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030151 and 6A-6.0331, F.A.C.

Definition

Orthopedic impairment means a severe skeletal, muscular, or neuromuscular impairment. The term includes impairments resulting from congenital anomalies (e.g., including, but not limited to, skeletal deformity or spina bifida) and impairments resulting from other causes (e.g., including, but not limited to, cerebral palsy or amputations).

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an orthopedic impairment if the following criteria are met:

1. There is evidence of an orthopedic impairment that adversely affects the student's performance in the educational environment in any of the following: ambulation, hand movement, coordination, or daily living skills.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluation shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with an orthopedic impairment.

○ The school district has provided additional information for this section in **Appendix B** of this document.
◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.10: Exceptional Student Education Eligibility for Students with Other Health Impairment

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030152 and 6A-6.0331, F.A.C.

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. This includes, but is not limited to, asthma, attention deficit disorder or attention deficit hyperactivity disorder, Tourette syndrome, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and acquired brain injury.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with an other health impairment if the following criteria are met:

1. There is evidence of a health impairment that results in reduced efficiency in schoolwork and adversely affects the student's performance in the educational environment.
2. The student demonstrates a need for special education.

Student Evaluation

In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:

1. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the impairment and any medical implications for instruction.
2. An educational evaluation that identifies educational and environmental needs of the student.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with other health impairment.

○ The school district has provided additional information for this section in Appendix B of this document.
⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.11: Exceptional Student Education Eligibility for Students with Traumatic Brain Injury

Statutory and Regulatory Citations

34 CFR §300.8
Chapters 458 and 459, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030153 and 6A-6.0331, F.A.C.

Definition

A traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects educational performance. The term applies to mild, moderate, or severe open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; or speech. The term includes anoxia due to trauma. The term does not include brain injuries that are congenital, degenerative, or induced by birth trauma.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a traumatic brain injury if the following criteria are met:

1. There is evidence of a traumatic brain injury that impacts one or more of the areas identified in the definition.
2. The student demonstrates a need for special education.

Student Evaluation

1. In addition to the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures, the minimum student evaluations shall include all of the following:
    a. A report of a medical examination, within the previous 12-month period, from a physician(s) licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is determined by the district to be permitted in accordance with Rule 6A-6.0331(3)(c), F.A.C. The physician's report must provide a description of the traumatic brain injury and any medical implications for instruction.
    b. Documented evidence by more than one person, including the parent, guardian, or primary caregiver, in more than one situation. The documentation shall include evidence of a marked contrast of pre- and post-injury capabilities in one or more of the following areas: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing or speech.
    c. An educational evaluation that identifies educational and environmental needs of the student.
2. The evaluation may also include a neuropsychological evaluation when requested by the exceptional student education administrator or designee.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with traumatic brain injury.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.12: Exceptional Student Education Eligibility for Students with Specific Learning Disabilities

Statutory and Regulatory Citations

34 CFR §300.8
Section 1003.57, F.S.
Rules 6A-1.09401, 6A-6.03018, 6A-6.0331 and 6A-6.03411, F.A.C.

Definition

A specific learning disability is defined as a disorder in one or more of the basic learning processes involved in understanding or in using language, spoken or written, that may manifest in significant difficulties affecting the ability to listen, speak, read, write, spell, or do mathematics. Associated conditions may include, but are not limited to, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A specific learning disability does not include learning problems that are primarily the result of a visual, hearing, motor, intellectual, or emotional or behavioral disability, limited English proficiency, or environmental, cultural, or economic factors.

Eligibility Criteria

A student is eligible for specially designed instruction and related services as a student with a specific learning disability if all of the following criteria are met:

1. Evidence of specific learning disability

   The student's parent(s) or guardian(s) and group of qualified personnel may determine that a student has a specific learning disability if there is evidence of each of the following:

   a. When provided with learning experiences and instruction appropriate for the student's chronological age or grade-level standards, in accordance with Rule 6A-1.09401, F.A.C., the student does not achieve adequately for the student's chronological age or does not meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in **one or more** of the following areas based on the review of multiple sources that may include group or individual criterion or norm-referenced measures, including individual diagnostic procedures:

      - Oral expression
      - Listening comprehension
      - Written expression
      - Basic reading skills
      - Reading fluency skills
      - Reading comprehension
      - Mathematics calculation
      - Mathematics problem solving

The school district has the option of requiring that an individually-administered, standardized test of achievement be administered by a qualified evaluator in accordance with Rule 6A-6.03018(4)(b)2., F.A.C., as one of the evaluation procedures used to address the requirements of Rule 6A-6.03018(4)(a)1., F.A.C.

○ The district requires that an individually administered, standardized test of achievement (that addresses the relevant areas of concern as identified by the team) be given by a qualified evaluator after obtaining parental consent for an evaluation.

◉ The district does not require that an individually administered, standardized test of achievement be given by a qualified evaluator after obtaining parental consent for an evaluation. The team responsible for the evaluation may determine the need for an individually administered, standardized test of achievement on an individual student basis.

b. The student does not make adequate progress to meet chronological age or grade-level standards adopted in Rule 6A-1.09401, F.A.C., in one or more of the areas identified in section 1.a) (above) as determined through:

- A process based on the student's response to scientific, research-based intervention, consistent with the comprehensive evaluation procedures in Rule 6A-6.0331 F.A.C.

c. The group determines that its findings under paragraph a) of this subsection are not primarily the result of one or more of the following:

- A visual, hearing, or motor disability
- Intellectual disability
- Emotional or behavioral disability
- Cultural factors
- Irregular pattern of attendance or high mobility rate
- Classroom behavior
- Environmental or economic factors
- Limited English proficiency

2. The student demonstrates a need for special education.

Student Evaluation

The evaluation procedures shall include the following:

1. The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs specially designed instruction in the following circumstances:

   a. The student does not make adequate progress when:

   - Prior to a referral, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or
   - Prior to referral, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of specially designed instruction and related services;

   and

   b. Whenever a referral is made to conduct an evaluation to determine the student's need for specially designed instruction and the existence of a disability.

2. Observation requirement

   In determining whether a student needs specially designed instruction and has a specific learning disability, and in order to document the relationship between the student's classroom behavior and academic performance, the group must do the following:

   a. Use information from an observation in routine classroom instruction and monitoring of the student's performance that was completed before referral for an evaluation; or

   b. Have at least one member of the group conduct an observation of the student's performance in the student's typical learning environment, or in an environment appropriate for a student of that chronological age, after referral for an evaluation and parental or guardian consent has been obtained.

3. In addition to the procedures identified in Rule 6A-6.0331, F.A.C., the evaluation must also include the district's procedures as specified in the SP&P as required by Rule 6A-6.03411, F.A.C. The evaluation must adhere to the timeframe required by Rule 6A-6.0331, F.A.C., unless extended by mutual written agreement of the student's parent(s) or guardian(s) and a group of qualified professionals.

Procedures

1. General education intervention procedures and activities

    a. In order to ensure that lack of academic progress is not due to lack of appropriate instruction, a group of qualified personnel must consider the following:

        - Data that demonstrate that the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general education settings; and
        - Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of achievement at reasonable intervals, graphically reflecting the student's response to intervention during instruction.

    b. General education activities and interventions conducted prior to referral in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

2. Members of the group determining eligibility

    The determination of whether a student suspected of having a specific learning disability is a student who demonstrates a need for specially designed instruction and related services and meets the eligibility criteria must be made by the student's parents or guardians and a group of qualified professionals, which must include, but is not limited to, all of the following:

    a. The student's general education teacher; if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her chronological age;

    b. At least one person qualified to conduct and interpret individual diagnostic examinations of students, including, but not limited to, a school psychologist, speech-language pathologist, or reading specialist; and

    c. The district administrator of exceptional student education or designee.

3. Documentation of determination of eligibility

    For a student suspected of having a specific learning disability, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates the following information:

    a. The basis for making the determination, including an assurance that the determination has been made in accordance with Rule 6A-6.0331, F.A.C.

    b. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning

    c. The educationally relevant medical findings, if any

    d. Whether the student has a specific learning disability as evidenced by response to intervention data confirming each of the following:

        - Performance discrepancy

            The student's academic performance is significantly discrepant for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, which include the peer subgroup, classroom, school, district, and state level comparison groups

        - Rate of progress

            When provided with well-delivered scientific, research-based general education instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the achievement gap with typical peers or academic expectations for the chronological age or grade level in which the student is currently enrolled; and

- Educational need

  The student continues to need evidence-based interventions that significantly differ in intensity and duration from what can be provided solely through general education resources to make or maintain sufficient progress.

e. The determination of the group concerning the effects on the student's achievement level of a visual, hearing, motor, intellectual, or emotional or behavioral disability; cultural factors; environmental or economic factors; an irregular pattern of attendance or high mobility rate; classroom behavior; or limited English proficiency

f. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including the following:

   - Documentation of the specific instructional interventions used, the support provided to the individual(s) implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration and frequency of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
   - Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation

g. The signature of each group member certifying that the documentation of determination of eligibility reflects the member's conclusion; if it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions

Describe how the district documents a student's response to intervention data to determine eligibility as a student with a specific learning disability, including the progress-monitoring tools used to measure the student's response to intervention and how the team determines the adequacy of the student's response to intervention.

Universal screenings are used for reading and math for all students at all levels. Classroom teachers use formative assessments to measure progress. Teachers compare their students to benchmark criteria, use the data to collaboratively discuss instructional approaches, and design learning opportunities to address student needs. Students who do not meet academic expectations are referred to the school problem-solving team. The difference between expected and observed levels of performance is calculated using a GAP analysis. Areas of concern are discussed and documented on the district-wide RtI database. Evidence-based interventions that address the individual student's needs are identified and the implementation plan (Tier 2) is documented on the database. Students identified for Tier 2 interventions are regularly assessed to measure progress. Progress may be monitored using standardized assessments, Curriculum Based Measurements (CBM), and/or curriculum based assessments to measure student performance and to evaluate the effectiveness of instruction and/or intervention. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment results are required to be graphically represented. Student response to intervention is reviewed and determined to be sufficient or insufficient. At this point, a decision is made to fade, continue or increase the intensity of the intervention. Students identified for Tier 3 interventions will receive more intensive (e.g.,increased frequency, duration, smaller group size), targeted interventions in the identified area of concern. Benchmarks for expected progress are set, and student progress toward these benchmarks is closely monitored. Formative assessment data are required to be graphically represented. The Tier 3 plan and progress monitoring graphs are entered into the district-wide RtI database.

Describe how parents are engaged as team members in the problem-solving process (include the frequency and graphic format for sharing student progress data with parents).

When a student's academic achievement is significantly below expectations, parents are informed of the Response to Intervention (RtI) framework, and are asked to be part of the problem-solving process. Individual student response to intervention will be graphically represented and shared with the parents at least every 8 weeks.

Describe the types of data used to make comparisons to other students and how teams determine the findings are not primarily due to the exclusionary factors outlined in Rule 6A-6.03018, F.A.C., lack of instruction in reading or math or limited English proficiency.

Student progress is monitored using multiple sources of data including universal screening, formative assessments, progress monitoring, diagnostic and summative assessments. The data to make instructional decisions may include educational history, standardized assessments, attendance, parent input, outside evaluation/assessment data, medical/health history, limited English proficiency assessments, observations, and formalized behavior plans. Comparative data are collected for all demographic subgroups (age, grade, school, etc.)

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with specific learning disabilities.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.13: Exceptional Student Education Eligibility for Students with Speech Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Sections 1003.01, 1003.57, 1012.44 and 1011.62, F.S.
Chapters 456, 458, 459, and 468, Part I, F.S. Rules 6A-4.0176, 6A-4.01761, 6A-6.03012, 6A-6.03028, 6A-6.0331, 6A-6.03411, and 64B20-2.001, F.A.C.

Definitions

1. Speech impairments are disorders of speech sounds, fluency, or voice that interfere with communication, adversely affect performance or functioning in the educational environment, and result in the need for exceptional student education.
    a. Speech sound disorder. A speech sound disorder is a phonological or articulation disorder that is evidenced by the atypical production of speech sounds characterized by substitutions, distortions, additions, or omissions that interfere with intelligibility. A speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
        - Phonological disorder. A phonological disorder is an impairment in the system of phonemes and phoneme patterns within the context of spoken language.
        - Articulation disorder. An articulation disorder is characterized by difficulty in the articulation of speech sounds that may be due to a motoric or structural problem.
    b. Fluency disorder. A fluency disorder is characterized by deviations in continuity, smoothness, rhythm, or effort in spoken communication. It may be accompanied by excessive tension and secondary behaviors, such as struggle and avoidance. A fluency disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.
    c. Voice disorder. A voice disorder is characterized by the atypical production or absence of vocal quality, pitch, loudness, resonance, or duration of phonation that is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

A student is eligible for exceptional student education as a student with a speech impairment if the student meets the following criteria for one or more of the following disorders as determined by the procedures prescribed in Rules 6A-6.03012 and 6A-6.0331(6), F.A.C.

1. Speech sound disorder
   A student with a speech sound disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of a significant phonological or articulation disorder that is characterized by the atypical production of speech sound(s). The atypical production of speech sound(s) may be characterized by substitutions, distortions, additions, or omissions. Evaluation results must reveal all of the following:
    a. The speech sound disorder must have a significant impact on the student's intelligibility, although the student may be intelligible to familiar listeners or within known contexts
    b. The student's phonetic or phonological inventory must be significantly below that expected for his or her chronological age or developmental level based on normative data
    c. The speech sound disorder must have an adverse effect on the student's ability to perform or function in the student's typical learning environment, thereby demonstrating the need for exceptional student education

d. The speech sound disorder is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency

2. Fluency disorder
A student with a fluency disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent interruptions in the rhythm or rate of speech. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent dysfluent speech behaviors. The dysfluency may include repetition of phrases, whole words, syllables, and phonemes; prolongations; blocks; and circumlocutions. Additionally, secondary behaviors, such as struggle and avoidance, may be present.

   b. The fluency disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   c. The dysfluency is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

3. Voice disorder
A student with a voice disorder is eligible for exceptional student education if there is evidence, based on evaluation results, of significant and persistent atypical voice characteristics. Evaluation results must reveal all of the following:

   a. The student must exhibit significant and persistent atypical production of quality, pitch, loudness, resonance, or duration of phonation. The atypical voice characteristics may include inappropriate range, inflection, loudness, excessive nasality, breathiness, hoarseness, or harshness.

   b. The voice disorder does not refer to vocal disorders that are found to be the direct result or symptom of a medical condition unless the disorder adversely affects the student's ability to perform or function in the educational environment and is amenable to improvement with therapeutic intervention.

   c. The voice disorder must have an adverse effect on the student's ability to perform or function in the educational environment, thereby demonstrating the need for exceptional student education.

   d. The atypical voice characteristics are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

4. The student demonstrates a need for special education.

Student Evaluation

In addition to Rule 6A-6.03012, F.A.C., the provisions in Rule 6A-6.0331, F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented. The provisions in Rule 6A-6.0331(2), F.A.C., regarding procedures prior to initial evaluation for prekindergarten children who are below mandatory school attendance ages and not enrolled in kindergarten must be met. In addition, the following must be included for each disorder:

1. For a speech sound disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of speech characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's speech characteristics conducted by a speech-language pathologist to examine the student's speech characteristics during connected speech or conversation. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

d. One or more standardized, norm-referenced instruments designed to measure speech sound production administered to determine the type and severity of the speech sound errors and whether the errors are articulation (phonetic) or phonological (phonemic) in nature.

2. For a fluency disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, to address the following areas regarding the speech behaviors: motor aspects, student's attitude, social impact, and educational impact. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. A minimum of two documented and dated observations of the student's speech and secondary behaviors conducted by a speech-language pathologist in more than one setting, including the typical learning environment. For prekindergarten children, the observations may occur in an environment or situation appropriate for a child of that chronological age. Observations conducted prior to obtaining consent for evaluation may be used to meet this criterion, if the activities address the areas identified in subsection d) below.

   c. An examination of the oral mechanism structure and function.

   d. An assessment of all of the following areas:

      - Motor aspects of the speech behaviors
      - Student's attitude regarding the speech behaviors
      - Social impact of the speech behaviors
      - Educational impact of the speech behaviors

   e. A speech sample of a minimum of 300–500 words collected and analyzed to determine frequency, duration, and type of dysfluent speech behaviors. If the speech-language pathologist is unable to obtain a speech sample of a minimum of 300–500 words, a smaller sample may be collected and analyzed. The evaluation report must document the rationale for collection and analysis of a smaller sample, the results obtained, and the basis for recommendations.

3. For a voice disorder, the evaluation must include all of the following:

   a. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and description of voice characteristics. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. Documented and dated observation(s) of the student's voice characteristics conducted by a speech-language pathologist in one or more setting(s), which must include the typical learning environment. For prekindergarten children, the observation(s) may occur in an environment or situation appropriate for a child of that chronological age. Observation(s) conducted prior to obtaining consent for evaluation may be used to meet this criterion.

   c. An examination of the oral mechanism structure and function.

   d. A report of a medical examination of laryngeal structure and function conducted by a physician licensed in Florida in accordance with Chapter 458 or Chapter 459, F.S., unless a report of medical examination from a physician licensed in another state is permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C. The physician's report must provide a description of the state of the vocal mechanism and any medical implications for therapeutic intervention.

Unique Philosophical, Curricular, or Instructional Considerations

1. Speech services

   a. A group of qualified professionals determining eligibility under requirements of Rules 6A-6.03012 and 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

   b. A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for speech services, whether as special education or as a

related service for an otherwise eligible student with a disability as specified in Rule 6A-6.03012, F.A.C.

c. Speech therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.

d. Students determined eligible as a student with a speech impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a speech impairment may have counseling as a related service, a functional behavioral assessment, or academic support for reading or writing, even though the student has not been determined to be a student with an emotional or behavioral disability or a specific learning disability.

2. Speech-language associate (SLA)

Speech therapy services provided by an SLA as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S. For more information on the responsibilities and duties of an SLA, go to: http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf.

The district shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan found in Rule 6A-6.03012(7), F.A.C., will include a description of:

- The model, specifying the type and amount of direction, including direct observation, support, training, and instruction
- The rationale for using this model
- The manner in which the associate will be required to demonstrate competency
- The process for monitoring the quality of services
- The process for measuring student progress
- The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with speech impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.14: Exceptional Student Education Eligibility for Students with Language Impairments

Statutory and Regulatory Citations

34 CFR §§300.8, 300.306 and 300.34
Chapters 456 and 468, Part I, F.S.
Sections 1003.01, 1003.57, 1011.62 and 1012.44, F.S.
Rules 6A-1.09401, 6A-4.0176, 6A-4.01761, 6A-6.0331, 6A-6.030121, 6A-6.03028, 6A-6.03411, and 64B20-2.001,F.A.C.

Definitions

Language impairments are disorders of language that interfere with communication, adversely affect performance or functioning in the student's typical learning environment, and result in the need for exceptional student education. A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning.
2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms.
3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence.
4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences.
5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Eligibility Criteria

1. For prekindergarten children

   A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

   a. There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

      i. Listening comprehension

      ii. Oral expression

      iii. Social interaction

      iv. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)

   b. One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance or functioning in the typical learning environment.

   c. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.– 5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the

Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

d. Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.

e. The language impairment must have an adverse effect on the child's ability to perform or function in the typical learning environment, thereby demonstrating the need for exceptional student education.

f. The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

2. For students in kindergarten through Grade 12

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

a. Due to deficits in the student's language skills, the student does not perform or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

i. Oral expression

ii. Listening comprehension

iii. Social interaction

iv. Written expression

v. Phonological processing

vi. Reading comprehension

b. Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or state-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in 1. a. of this section when using a process based on the student's response to scientific, research-based intervention.

c. Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation procedures as specified for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document. There must be documentation of all of the following:

i. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance or functioning in the educational environment.

ii. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in 1.–5. of the Definitions section as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in 1.–5. of the Definitions section. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes.

iii. Information gathered from the student's parent(s) or guardian(s), teacher(s), and, when appropriate, the student, must support the results of the standardized instruments and observations conducted.

iv. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may

be established through the results of the evaluation procedures as specified in the evaluation procedures for students in kindergarten through Grade 12, included under the **Conducting Student Evaluations and Reevaluations** section of this document, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or legal guardian(s), teacher(s), and, when appropriate, the student, must support the results of the observation(s) conducted.

d. The group determines that its findings under 2.a of this section are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

Documentation of Determination of Eligibility

For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

1. The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.
2. Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning.
3. The educationally relevant medical findings, if any.
4. Whether the student has a language impairment as evidenced by response to intervention data confirming all of the following:
    a. Performance or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups.
    b. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled.
    c. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform or function in the educational environment.
5. The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance or functioning.
6. Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions, including:
    a. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected
    b. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance or functioning data that would be collected and the educational resources and services that would be provided; interventions

for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

Student Evaluation

1. Children in prekindergarten

   In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

   a. Information gathered from the child's parent(s) or guardian(s) and others, as appropriate, such as teacher(s), service providers, and caregivers, regarding the concerns and description of language skills. This may be completed through a variety of methods, including interviews, checklists, or questionnaires.

   b. One or more documented and dated observation(s) of the child's language skills conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age.

   c. One or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

2. Students in kindergarten through Grade 12

   The provisions in Rule 6A-6.0331(1), F.A.C., regarding general education intervention procedures for students in kindergarten through Grade 12, who are suspected of having a disability and enrolled in public school must be implemented, as well as procedures identified in Rule 6A-6.0331(5), F.A.C., and must include all of the following:

   a. In order to ensure that the decreased performance or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

      i. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings.

      ii. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction.

      iii. Information gathered from the student's parent(s) or legal guardian(s) and teacher(s), and, when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires.

      iv. Documented and dated observation(s) of the student's language skills conducted by the speech-language pathologist in one or more setting(s).

      v. One or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

b. With the exception of one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficient in pragmatic language that cannot be verified by a standardized assessment, general education activities and interventions conducted prior to initial evaluation in accordance with Rule 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of this rule.

Unique Philosophical, Curricular, or Instructional Considerations

Language services

1. A group of qualified professionals determining eligibility under requirements of Rule 6A-6.030121, F.A.C. and Rule 6A-6.0331(6), F.A.C., will include a speech-language pathologist.
2. A speech-language pathologist will be involved in the development of the individual educational plan for programs for students with a language impairment, whether as special education or as a related service for an otherwise eligible student with a disability.
3. Language therapy services will be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Chapter 468, F.S., and Rule 64B20-2.001, F.A.C., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C., or a speech-language pathology assistant pursuant to Chapter 468, F.S.
4. Students determined eligible as a student with a language impairment have access to any supports and services needed as determined by the individual educational plan team. A student should be identified as a student with a disability using the most appropriate category, but this does not mean that the team must identify every possible category under which the student may be eligible. In addition, there is no requirement that a student be eligible under a given category in order to receive specific services. For example, students determined eligible as a student with a language impairment may have counseling as a related service, a functional behavioral assessment (FBA), or academic support for reading or writing even though the student has not been determined to be a student with an emotional or behavioral disability (EBD) or a specific learning disability.
5. Speech-language associate
    a. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., will be under the direction of a certified or licensed speech-language pathologist with a master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.
    b. The district will submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:
        - The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction
        - The rationale for using this model
        - The manner in which the associate will be required to demonstrate competency
        - The process for monitoring the quality of services
        - The process for measuring student progress
        - The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students with language impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.15: Exceptional Student Education Eligibility for Students who are Visually Impaired

Statutory and Regulatory Citations

34 CFR §§300.8, 300.34, 300.172, and 300.324
Sections 1003.55, 1003.57, and 1003.575, F.S.
Rules 6A-6.03014 and 6A-6.0331, F.A.C.

Definition

Students who are visually impaired include the following:

a. A student who is blind, has no vision, or has little potential for using vision.

b. A student who has low vision.

c. A student who has a visual impairment after best correction that adversely affects the student's educational performance and

d. A student who has been diagnosed with a progressive condition that will most likely result in a visual impairment or no vision after best correction.

Eligibility Criteria

A student is eligible for special education and related services if the following medical and educational criteria are met:

1. A licensed ophthalmologist or optometrist has documented an eye condition that causes an impairment as manifested by at least one of the following:
    a. A visual acuity of 20/70 or less in the better eye after best possible correction;
    b. A peripheral field so constricted that it affects the student's ability to function in an educational setting;
    c. A diagnosis of visual impairment after best correction, or
    d. A progressive loss of vision that may affect the student's ability to function in an educational setting.
2. The student demonstrates a need for special education.

Student Evaluation

The minimum procedures necessary for determining eligibility shall include:

1. A medical eye examination describing: etiology; diagnosis; treatment regimen; prognosis; near and distance; corrected and uncorrected acuity measures for left eye, right eye and both eyes; measure of field of vision; and recommendations for lighting levels, physical activity, aids, prescribed low-vision aids, or use of glasses or contact lenses, as appropriate.
2. For children birth to five years of age or students who are otherwise unable to be assessed, a medical assessment describing visual functioning shall be documented when standard visual acuities and measure of field of vision are unattainable.
3. A comprehensive assessment of skills known to be impacted by visual impairment, which shall include, but is not limited to:
    a. A functional vision evaluation that includes an assessment of skills known to be impacted by vision impairment that are aligned with the special skills references in Rule 6A-1.09401, F.A.C., and include assistive technology, compensatory skills, career education, recreation and leisure, sensory efficiency, self-determination, social skills, and independent living;
    b. A learning media assessment; and
    c. An orientation and mobility screening.

Reevaluation

1. Reevaluation shall occur at least every three years and shall include a minimum of a medical eye examination within the last calendar year, a comprehensive assessment of skills known to be impacted by visual impairment as required for determining initial eligibility; and, if appropriate, any other formal evaluations addressed in the initial evaluation in accordance with Rule 6A-6.0331, F.A.C.
2. The medical aspect of a reevaluation for students with bilateral anophthalmia may be waived by a written recommendation of a physician.

Specialized Evaluations: Qualified Evaluators

The following specialized evaluations are required to be administered by the individuals listed. All evaluators must hold a valid license or certificate in the state of Florida, in accordance with Rule 6A-6.0331, F.A.C., or a report form is provided from a physician licensed in another state as permitted in accordance with Rule 6A-6.0331(3)(e), F.A.C.

1. Medical eye exam: ophthalmologist or optometrist
2. Functional vision assessment: teacher of the visually impaired, orientation and mobility specialist, or low vision specialist
3. Learning Media Assessment: teacher of the visually impaired
4. Orientation and mobility (as appropriate): orientation and mobility specialist

Unique Philosophical, Curricular, or Instructional Considerations

1. All students with visual impairments are registered for services from the Florida Instructional Materials Center for the Visually Impaired. Students will be provided with instruction in braille unless otherwise determined by the IEP team. This determination is based upon the student's present reading and writing skills, functional vision assessment, and learning media assessment, as well as documentation indicating the need for instruction or use of braille in the future.
2. Orientation and mobility is a related service, provided to blind or visually impaired students by qualified personnel if the IEP team determines that it is necessary in order for the student to benefit from specially designed instruction, that enables the student to attain systematic orientation to and safe movement within their environments in school, home, and community. Orientation and mobility instruction encompasses skill and conceptual awareness that includes, but is not limited to: spatial awareness, use of sensory information to maintain orientation, the use of mobility devices (i.e., long cane, distance low vision aids, assistive technology), and other skills and techniques used to travel safely and efficiently across a variety of settings.
3. The school district will provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a student with sensory impairments. This information will be provided annually. Additionally, in accordance with Rule 6A-6.03014, F.A.C., cooperative planning with the Division of Blind Services (DBS) may occur for students eligible for DBS services, with parent participation and agreement.

The school district has the option to include additional information regarding evaluations, qualified evaluators or unique philosophical, curricular, or instructional considerations for students with visual impairments.

○ The school district has provided additional information for this section in Appendix B of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.16: Provision of Occupational Therapy to Exceptional Students as a Related Service

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456 and 468, Part III, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and Chapter 64B-11, F.A.C.

Definitions

1. Occupational therapy means services provided by a licensed occupational therapist and includes improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.
2. Related service provider means the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service.

Assessments

As defined in S.468.203, F.S., prior to the provision of occupational therapy, assessments shall be conducted by the related service provider as defined in the Occupational Therapy Practice Act, s. 468.203, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed occupational therapist responsible for the assessment and provision of school-based occupational therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.f., F.A.C.

Determination of Need for Occupational Therapy

To determine need for occupational therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if occupational therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the occupational therapist to assist the IEP, EP, or IFSP team when the educational need for occupational therapy as a related service is being determined

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for occupational therapy as a related service is being determined, and
    b. A student who is receiving occupational therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for occupational therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s.468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 468.203, F.S., occupational therapy:
    a. May be provided by either a licensed occupational therapist or a licensed occupational therapy assistant.
    b. The occupational therapy assistant is supervised by the licensed occupational therapist.
    c. The licensed occupational therapist provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of

treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist.

d. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services. However, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need occupational therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section B.17: Provision of Physical Therapy to Exceptional Students as a Related Services

Statutory and Regulatory Citations

34 CFR §300.34
Chapters 456, 458, 459, 461, 466 and 486, F.S.
Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.030191, 6A-6.03024, 6A-6.03028, 6A-6.03411 and 64B17-6.001, F.A.C.

Definitions

1. Physical therapy means services provided by a licensed physical therapist.
2. Related service provider means the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service.

Assessments

As defined in s. 486.021, F.S., prior to the provision of physical therapy, assessments shall be conducted by the related service provider as defined in the Physical Therapy Practice Act, Chapter 486, s. 486.021, F.S. Rule 6A-6.03024(1)(c), F.A.C., defines a related service provider as the licensed physical therapist responsible for the assessment and provision of school-based physical therapy as a related service as defined in s. 1003.01(3)(b), F.S., and Rule 6A-6.03411(1)(dd)3.i., F.A.C.

Determination of Need for Physical Therapy

To determine need for physical therapy as a related service the individual educational plan (IEP), the educational plan (EP), or the individualized family support plan (IFSP) team shall do the following:

1. Review assessments conducted by the related service provider and all other relevant data.
2. Determine if physical therapy services are needed to assist a student to benefit from specially designed instruction.
3. Include input from the physical therapist to assist the IEP, EP, or the IFSP team when the educational need for physical therapy as a related service is being determined.

Unique Philosophical, Curricular, or Instructional Considerations

1. The licensed therapist or licensed assistant shall provide input to assist the IEP, EP, or IFSP team when:
    a. The educational need for physical therapy as a related service is being determined, and
    b. A student who is receiving physical therapy as a related service is being reviewed by the IEP, EP, or IFSP team.
2. Once the educational need for physical therapy has been determined in accordance with the provisions of this rule, a plan of treatment as referenced in s. 468.203, F.S., shall be developed. The plan of treatment may be included as a part of the IEP, EP, or IFSP.
3. Pursuant to s. 486.021, F.S., physical therapy may be provided by either a licensed physical therapist or a licensed physical therapist assistant, who is under the general supervision of a physical therapist. The supervision of a physical therapist assistant shall not require on-site supervision by the physical therapist.
4. Pursuant to Rule 64B17-6.001, F.A.C., the supervising physical therapist shall be:
    a. Accessible at all times by two-way communication, which enables the physical therapist to respond to an inquiry when made and to be readily available for consultation during the delivery of care.
    b. Within the same geographic location as the assistant.

c. Provided both initial direction in developing a plan of treatment and ensuring the plan is appropriately implemented on a consistent basis. The supervised individual cannot change the plan of treatment without prior consultation with, and the approval of, the supervising physical therapist.

d. Readily available to the physical therapist assistant with emphasis placed on directing the assistant through frequent reporting, both verbal and written and frequent observations of the care rendered.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who need physical therapy.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section C: Individual Educational Plan

Statutory and Regulatory Citations

34 CFR §§300.29, 300.106, 300.110, 300.320 through 300.328, and 300.503
Sections 1001.02, 1002.3105, 1003.01, 1003.4203, 1003.4282, 1003.4285, 1003.57, 1003.5715, 1003.5716, 1003.572, 1008.22 and 1008.212, F.S.
Rules 6A-1.0943, 6A-1.09441, 6A-1.0996, 6A-1.09963 6A-6.03028, 6A-6.0311 through 6A-6.0361 and 6A-6.03311, F.A.C.

Definition

An IEP is a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rule 6A-6.03028, F.A.C. Parents are partners with schools and district personnel in developing, reviewing, and revising the IEP. The procedures for the development of IEPs for students with disabilities are as follows:

Note: Since an EP is defined in Rule 6A-6.030191, F.A.C., as being developed for students identified solely as gifted, an IEP rather than an EP is developed for students who are gifted and have also been identified as having a disability.

Procedures

1. Role of parents

   The role of the parents in developing IEPs includes, but is not limited to:

   a. Providing critical information regarding the strengths of their student;

   b. Expressing their concerns for enhancing the education of their student so that their student can receive FAPE;

   c. Participating in discussions about the student's need for special education and related services;

   d. Participating in deciding how the student will be involved and progress in the general curriculum, including participation in state and district assessments;

   e. Participating in the determination of what services the district will provide to their student and in what setting;

   f. Participating in the determination of which course of study leading to a standard diploma the student will pursue, consistent with s. 1003.4282, F.S., to include a course of study leading to a Scholar or Merit designation in accordance with s. 1003.4285, F.S.

2. Parent participation in IEP team meetings

   The district shall establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability must be members of any group that makes decisions on the educational placement of their child.

   a. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

      - Parents are notified of the meeting early enough to ensure that they have an opportunity to attend
      - The meeting is scheduled at a mutually agreed upon time and place

   b. A written notice to the parent indicates the purpose; time; location of the meeting; who, by title or position, will be in attendance; and includes a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

- Parents may also request that a Part C service coordinator or other representative of the Part C system be invited to attend the initial IEP team meeting for a child previously receiving early intervention services under Part C of IDEA.
- Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team are made by the district, based on the needs of the student.
- The written notice to the parent clearly indicates which persons invited to the IEP team meeting are required members of the team and, thus, would require excusal as described in subsection 4. below.

  Any time an IEP team meeting is convened for the purpose of reviewing or changing a student's IEP as it relates to administration of the Florida Alternate Assessment and the provision of instruction in the state standards access points curriculum, or placement of the student in an exceptional student education center, the school must provide the notice to the parent at least 10 days prior to the meeting.

c. No later than the first IEP to be in effect when the student attains the age of 14 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be to identify transition services needs of the student and that the district will invite the student.

d. Not later than the first IEP to be in effect when the student turns 16 (or younger, if determined appropriate by the IEP team), the notice must also indicate that a purpose of the meeting will be consideration of the postsecondary and career goals and transition services for the student, that the district will invite the student and will identify any other agency that will be invited to send a representative to the meeting.

e. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

f. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parent. In this case, the district maintains a record of its attempts to arrange a mutually agreed upon time and place. These records include such items as:

- Detailed records of telephone calls made or attempted, and the results of those calls
- Copies of correspondence sent to the parents and any responses received
- Detailed records of visits made to the parents' home or place of employment, and the results of those visits

g. The district takes whatever action is necessary to ensure that the parents, and the student when the student is the age of 14, understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

h. A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

i. The district provides the parent with a copy of the IEP at no cost to the parent.

3. IEP team participants

The IEP team, with a reasonable number of participants, shall include:

a. The parents of the student

b. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment; the regular education teacher of a student with a disability participates, to the extent appropriate, in the development, review, and revision of the student's IEP, including assisting in the determination of:

- Appropriate positive behavioral interventions and supports and other strategies for the student
- Supplementary aids and services, classroom accommodations, modifications, or supports for school personnel to be provided for the student

c. At least one special education teacher of the student, or, where appropriate, one special education provider of the student

d. A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; at the discretion of the district, the student's special education teacher may be designated to also serve as the representative of the district if the teacher meets these requirements

e. An individual who can interpret the instructional implications of evaluation results; this role may be fulfilled by another member of the IEP team

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel; the determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IEP team meeting

g. The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition services needs or consideration of postsecondary and career goals for the student and the transition services needed to assist the student in reaching those goals; if the student does not attend the IEP team meeting to identify transition services needs or consider postsecondary and career goals and transition services, the district takes other steps to ensure that the student's preferences and interests are considered

h. Agency representatives– To the extent appropriate and with the consent of the parents or a student who has reached the age of majority, the school district will invite a representative of any participating agency that may be responsible for providing or paying for transition services; parental consent or the consent of the student who has reached the age of majority must also be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services

i. In the case of a student who was previously served and received early intervention services under Part C of the IDEA, the Part C service coordinator or other representatives of the Part C system must be invited to the initial IEP team meeting, at the request of the parent, to assist with the smooth transition of services

j. The district will determine the specific personnel to fill the roles

4. IEP team member excusal

a. A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the school district agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

b. A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the school district consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

c. The district has designated the following individual(s), by name or position, as having the authority to make the agreement with the parent, or provide consent on behalf of the district, to excuse an IEP team member from attending an IEP team meeting.

Identify the individual(s), by name or position, who have been granted this authority.

LEA or the LEA Designee

d. If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

5. Transition of children with disabilities from the infants and toddlers early intervention program

   a. An IEP or an IFSP must be developed and implemented by the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities.

   b. Each school district shall participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.

   c. If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

6. IEP timelines

   Timelines for IEPs include the following:

   a. An IEP that has been reviewed, and, if appropriate, revised periodically, but not less than annually, must be in effect at the beginning of each school year for each eligible student with a disability within the district's jurisdiction.

   b. An IEP must be developed within 30 calendar days following the determination of a student's eligibility for special education and related services and be in effect prior to the provision of these services.

   c. A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.

7. Considerations in IEP development, review, and revision

   The IEP team considers the following factors in the development, review, and revision of the IEP:

   a. Strengths of the student and concerns of the parents for enhancing the education of their child

   b. Results of the initial or most recent evaluation or reevaluation

   c. As appropriate, results of the student's performance on state or districtwide assessments

   d. Academic, developmental, and functional needs of the student

   e. In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior

   f. In the case of a student with limited English proficiency, the language needs of the student as related to the IEP

   g. In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, including future needs and appropriate reading and writing media (including an evaluation of the student's future need for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student

   h. The communication needs of the student

   i. In the case of a student who is deaf or hard-of-hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. Rule 6A-6.03028(3)(g), F.A.C., requires the use of the Communication Plan form (available at flrules.org/gateway/reference.asp?no=ref-04776) adopted by the State Board of Education during the development of the IEP for students who are deaf, hard of

hearing or dual sensory impaired. Use of this plan will ensure that IEP teams are considering the instructional needs of these students in a more comprehensive manner.

j. Whether the student requires assistive technology devices or services; on a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or other settings is required if the IEP team determines that the student needs access to those devices in order to receive FAPE

k. At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student if the IEP team determines, on an individual basis, that the services are necessary; school districts may not limit ESY to particular categories of a disability or unilaterally limit the type, amount, or duration of those services.

- Pursuant to 34 CFR §300.106, ESY services must be considered by the IEP or individualized family support plan (IFSP) team as part of the provision of FAPE for students with disabilities. ESY is special education and related services that are provided to a student with a disability beyond the normal school year of the public agency, in accordance with the child's IEP or IFSP and at no cost to the parent of the child and meets the standards of the state educational agency (SEA).
- ESY is not intended to provide education beyond that which has been determined necessary by the IEP or IFSP team to ensure FAPE. In many cases, not all of the services specified in an individual student's IEP or IFSP for the school year need to be provided as part of ESY services.
- Parental requests for ESY services must be considered. However, if ESY services are requested by the parent and the IEP or IFSP team does not determine the provision of the requested ESY services as necessary for the provision of FAPE, then a written informed notice of refusal must be provided.

Describe the district's procedures for determining the need for ESY services for individual students.

Annually, the IEP team will review collected data by teachers and service providers in order to answer the following questions: 1. Is significant regression likely to occur in critical life skills related to any of the following areas and that these skills cannot be recouped within a reasonable amount of time without extended school year services? a. academics, or for a pre-K student, developmentally appropriate pre-academic skills b. communication c. independent functioning and self-sufficiency d. social/emotional development or behavior 2. Is there a likelihood that the student is at a crucial stage in the development of a critical life skill, and that a lapse in service would substantially jeopardize the student's chances of learning that skill? 3. Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of extended school year services? 4. Are there extenuating circumstances pertinent to the student's current situation that indicate the likelihood that FAPE would not be provided without extended school year services? Example: a. A student who recently obtained paid employment and requires the service of a job coach b. A student who requires ESY services to prevent movement to a more restrictive setting c. A student whose frequent health-related absences have significantly impeded progress on goals If one or more of the four questions are answered "yes", the student is eligible for extended school year services. The IEP team will determine which goals the student will work on during ESY and services will be identified to support the student's goals. In order to plan effectively, the district sets an April first deadline and encourages schools to make the majority of ESY decisions prior to this date for the upcoming break in service. Teams are instructed that all annual IEP meetings held prior to October 1st are not to make an ESY determination. For those students, an additional interim IEP or IEP amendment is completed prior to April first. While ESY is most frequently provided during the break from school in the summer, ESY is not limited only to this time period. In the event that an IEP team feels a student may need additional services throughout the school year, staff are instructed to contact the District ESE office to discuss how the support might be provided. All ESE providers who provide services for students with disabilities are required to collect data on student goals and objectives. Each provider develops a system to collect data and report progress.

Describe the district's procedures for informing staff that varying amounts, types and durations of ESY services are possible based on the individual needs of a student. (Any predetermination or set policy on the amount of time ESY will be provided is contrary to the regulations.)

After the conclusion of the first marking period, during monthly ESE Specialist meetings District personnel provides training covering the ESY decision-making process to all school LEAs. This is reviewed monthly with reminders about the continuum of services available during ESY. Emphasis is placed on the importance of data collection to determine which services are appropriate for each individual student. For assistance with making ESY decisions, LEAs are directed to access online resources available through the district's ESE website as well as direct support from Program Specialists in Compliance and ESE Specialist Field Coaches. The LEAs at the schools are staff employed by the school site whose primary job responsibility is compliance with IDEA, State and Local Policies and Procedures. The District office oversees ESY programming throughout the school year. Whenever there is a unique need for services identified by an IEP team, the District support staff assists in the provision of these unique services. ESY services are offered in a variety of service delivery models and settings based on IEP team determinations. District staff responsible for the planning of ESY services ensure that the determination made by the IEP teams are implemented.

l. If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect.

8. Content of the IEP

Each IEP must include the following:

a. A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum, or for prekindergarten children, as appropriate, how the disability affects the student's participation in appropriate activities.

b. A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum or for preschool children, as appropriate, to participate in appropriate activities and meeting each of the student's other educational needs that result from the student's disability.

c. A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

d. A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

e. A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; be involved and progress in the general curriculum; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this section. (A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations.)

f. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.

g. A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the statewide, standardized assessments or district assessments. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with s. 1008.22, F.S. If the IEP team determines that the student will take the Florida Alternate Assessment instead of other statewide, standardized assessments or an alternate district assessment of student

achievement, the IEP must include a statement of why the student cannot participate in other statewide, standardized assessments or district assessments and, if applicable why the particular district alternate assessment selected is appropriate for the student. If a student does not participate in the statewide, standardized assessment program as a result of being granted an extraordinary exemption in accordance with s. 1008.212, F.S., or a medically complex exemption in accordance with s. 1008.22(9), F.S., the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation in accordance with s. 1008.22(3), F.S.

h. The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.

i. A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

j. A statement to identify any Career and Professional Education (CAPE) Digital Tools certificates and CAPE industry certifications the student seeks to attain before high school graduation.

9. Transitional needs addressed within IEP

   a. Before attaining the age of 14 years, in order to ensure quality transition planning and services, IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include the following:

      - A statement of intent to pursue a standard high school diploma pursuant to s.1003.4282(1)-(9), (11), F.S., and a Scholar or Merit designation in accordance with s. 1003.425, F.S., as determined by the parent;
      - The preparation needed for the student to graduate from high school with a standard diploma and a Scholar or Merit diploma designation as determined by the parent; and
      - Consideration of the student's need for instruction or the provision of information in the area of self-determination and self-advocacy to assist the student to be able to actively and effectively participate in IEP meetings, so that needed postsecondary and career goals may be identified and in place by age 16 years.

   b. Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

      - A statement of intent to receive a standard high school diploma before the student attains the age of 22 and a description of how the student will fully meet the requirements in s. 1003.4282, F.S. This requirement does not apply if the student entered Grade 9 prior to the 2014-2015 school year and is pursuing a special diploma in accordance with the student's IEP;
      - A statement of the outcomes and the additional benefits expected by the parent and the IEP team at the time of the student's graduation.
      - A statement of appropriate measurable long-term postsecondary education and career goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills and the transition services, including courses of study needed to assist the student in reaching those goals.
      - If a participating agency responsible for transition services, other than the school district, fails to provide the transition services described in the IEP, the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. However, this does not relieve any participating agency, including the Division of Vocational Rehabilitation Services (VR), of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

c. Any change in the IEP for the goals specified in b) must be approved by the parent and is subject to verification for appropriateness by an independent reviewer selected by the parent as provided in s. 1003.572.

d. Beginning at least one year before the student's eighteenth birthday, a statement that the student has been informed of his or her rights that will transfer from the parent to the student on reaching the age of majority, which is 18 years of age.

e. Beginning with the 2015-2016 school year, a statement identifying Career and Professional Education (CAPE) digital tool certificates and the CAPE industry certifications that the student seeks to attain before high school graduation, if any, pursuant to s. 1003.4203, F.S.

f. For students whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting the postsecondary and career goals.

10. Requirements for a Standard Diploma are found in s. 1003.4282, F.S., and Rule 6A-6.03028, F.A.C.

11. High School Graduation Requirements for Students with Disabilities

    a. General requirements.

    Beginning in the 2014-2015 school year, students with disabilities entering Grade 9 may attain a standard diploma and earn standard diploma designations by meeting the requirements in ss. 1003.4282(1)-(9) or 1002.3105(5), or 1003.4282(10) and 1003.4285, F.S. Nothing contained in Rule 6A-1.09963, F.A.C., shall be construed to limit or restrict the right of a student with a disability solely to the options described in Rule 6A-1.09963, F.A.C. A certificate of completion will be awarded to students who earn the required 18 or 24 credits required for graduation, but who do not achieve the required grade point average or who do not pass required assessments unless a waiver of the results has been granted in accordance with s.1008.22(3)(c) 2., F.S., or participation in a statewide assessment has been exempted in accordance with s. 1008.212, F.S., or s. 1008.22(9), F.S. Students who entered grade nine before the 2014-2015 school year and whose individual educational plan (IEP), as of June 20, 2014, contained a statement of intent to receive a special diploma may continue to work toward a special diploma or a special certificate of completion.

    b. Definitions from Rule 6A-1.09963, F.A.C.

        i. Access courses. Access courses are approved by the State Board of Education and are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C. Access courses are based on the access points. Access points are academic expectations intended only for students with significant cognitive disabilities and are designed to provide these students with access to the general curriculum.

        ii. Alternate Assessment. In accordance with s. 1008.22(3)(c), F.S., an alternate assessment is a statewide standardized assessment designed for students with significant cognitive disabilities in order to measure performance on the access points.

        iii. Employment transition plan. A plan that meets the requirements found in s. 1003.4282(10)(b)2.d., F.S. This plan is separate from the IEP.

        iv. Eligible career and technical education (CTE) course. Eligible CTE courses include any exceptional student education (ESE) or general education CTE course that contains content related to the course for which it is substituting. Modifications to the expectations or outcomes of the curriculum, known as modified occupational completion points (MOCPs), are allowable and may be necessary for a student who takes access courses and participates in the alternate assessment. Modifications may include modified course requirements. Modifications to curriculum outcomes should be considered only after all appropriate accommodations are in place. MOCPs must be developed for students in conjunction with their IEP and must be documented on the

IEP. Course outcomes may be modified through the IEP process for secondary students with disabilities who are enrolled in a postsecondary program if the student is earning secondary (high school) credit for the program.

c. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that participation in the Florida Alternate Assessment is the most appropriate measure of the student's skills, in accordance with Rule 6A-1.0943(5), F.A.C., and instruction in the access points is the most appropriate means of providing the student access to the general curriculum. Students must meet the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S., through the access course specified for each required core course, through more rigorous ESE courses in the same content area, or through core academic courses. Eligible access courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for Access English IV; one mathematics credit, with the exception of Access Algebra 1A and Access Algebra 1B and Access Geometry; one science credit, with the exception of Access Biology; and one social studies credit, with the exception of Access United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Participation in the Florida Alternate Assessments in reading, mathematics, and science is required until replaced by Florida Alternate Assessments in English Language Arts I, II, and III, Algebra I, Geometry, Algebra II, Biology I, and United States History.

   iii. A score of at least 4 on the Florida Alternate Assessments in reading and math must be attained, until replaced by the Grade 10 English Language Arts alternate assessment and the End-of-Course (EOC) assessment for Access Algebra I, unless assessment results are waived in accordance with s. 1008.22(3)(c), F.S. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

   iv. For those students whose performance on standardized assessments is waived by the IEP team as approved by the parent, the development of a graduation portfolio of quantifiable evidence of achievement is required. The portfolio must include a listing of courses the student has taken, grades received, student work samples, and other materials that demonstrate growth, improvement, and mastery of required course standards. Multi-media portfolios that contain electronic evidence of progress, including videos and audio recordings, are permissible. Community-based instruction, MOCPs, work experience, internships, community service, and postsecondary credit, if any, must be documented in the portfolio.

d. Requirements for a standard diploma for students with disabilities for whom the IEP team has determined that mastery of both academic and employment competencies is the most appropriate way for the student to demonstrate his or her skills. A student must meet all of the graduation requirements specified in s. 1003.4282(1)-(9), F.S., or s. 1002.3105(5), F.S. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   i. Eligible CTE courses, as defined in Rule 6A-1.09963(2)(d), F.A.C., may substitute for English IV; one mathematics credit, with the exception of Algebra and Geometry; one science credit, with the exception of Biology; and one social studies credit, with the exception of United States History. Eligible courses are described in the Course Code Directory and Instructional Personnel Assignments, in accordance with Rule 6A-1.09441, F.A.C.

   ii. Students must earn a minimum of one-half credit in a course that includes employment. Such employment must be at a minimum wage or above in compliance with the requirements of the Federal Fair Labor Standards Act, for the number of hours a week specified in the student's completed and signed employment transition plan, as

specified in s. 1003.4282(10)(b)2.d., F.S., for the equivalent of at least one semester. Additional credits in employment-based courses are permitted as electives.

iii. Documented achievement of all components defined in s. 1003.4282(10)(b)2.b., F.S., on the student's employment transition plan.

e. A waiver of the results of the statewide, standardized assessment requirements by the IEP team, pursuant to s. 1008.22(3)(c), F.S., must be approved by the parents and is subject to verification for appropriateness by an independent reviewer selected by the parents as provided for in s. 1003.572, F.S.

f. Deferral of receipt of a standard diploma. A student with a disability who meets the standard high school diploma requirements may defer the receipt of the diploma and continue to receive services if the student meets the requirements found at s. 1003.4282(10)(c), F.S.

i. The decision to accept or defer the standard high school diploma must be made during the school year in which the student is expected to meet all requirements for a standard high school diploma. The decision must be noted on the IEP and the parent, or the student over the age of 18 for whom rights have transferred in accordance with Rule 6A-6.03311(8), F.A.C., must sign a separate document stating the decision.

a. The IEP team must review the benefits of deferring the standard high school diploma, including continuation of educational and related services, and describe to the parent and the student all services and program options available to students who defer. This description must be done in writing.

b. School districts must inform the parent and the student, in writing, by January 30 of the year in which the student is expected to meet graduation requirements, that failure to defer receipt of a standard high school diploma after all requirements are met releases the school district from the obligation to provide a free appropriate public education (FAPE). This communication must state that the deadline for acceptance or deferral of the diploma is May 15 of the year in which the student is expected to meet graduation requirements, and that failure to attend a graduation ceremony does not constitute a deferral.

c. The school district must ensure that the names of students deferring their diploma be submitted to appropriate district staff for entry in the district's management information system. Improper coding in the district database will not constitute failure to defer.

ii. A student with a disability who receives a certificate of completion may continue to receive FAPE until their 22nd birthday, or, at the discretion of the school district, until the end of the school semester or year in which the student turns 22.

The repeal of s. 1003.438, F.S., effective July 15, 2015, does not apply to a student with a disability as defined in s. 1003.438, F.S., whose individual educational plan, as of June 20, 2014, contains a statement of intent to receive a special diploma. Such student shall be awarded a special diploma in a form prescribed by the Commissioner of Education if the student meets the requirements specified in s. 1003.438, F.S., and in effect as of June 20, 2014. Any such student who meets all special requirements of the district school board in effect as of June 20, 2014, but who is unable to meet the appropriate special state minimum requirements in effect as of June 20, 2014, shall be awarded a special certificate of completion in a form prescribed by the Commissioner of Education.

12. Separate parental consent for specific actions included in an IEP

In accordance with s. 1003.5715, F.S., effective July 1, 2013, separate parental consent for the following actions in a student's IEP is required:

a. Administration of an alternate assessment pursuant to s. 1008.22, F.S., and instruction in the state standards access points curriculum.

b. Placement of the student in an ESE center school.

The district must use the following forms adopted by FDOE for obtaining consent.

- Parental Consent Form: Instruction in the State Standards Access Points Curriculum and Florida Alternate Assessment Administration
- Parental Consent Form: Student Placement in an Exceptional Education Center

In accordance with 34 CFR §300.503, each consent form must be provided in the parent's native language as defined in 34 CFR §300.29. Consent forms can be accessed at the following link: flrules.org/gateway/reference.asp?no=ref-03384. A district may not proceed with the actions described above unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing.

Except for a disciplinary change in placement as described in s. 1003.57(1)(h), if a district determines that there is a need to change a student's IEP related to administration of the alternate assessment, instruction in the access points curriculum, or ESE center school placement, the school must hold an IEP team meeting that includes the parent to discuss the reason for the change. The school shall provide written notice to the parent at least 10 days before the meeting, indicating the purpose, time, and location of the meeting and who, by title or position, will attend the meeting. The IEP team meeting requirement may be waived by informed consent of the parent after the parent receives the written notice.

For a change in a student's IEP related to administration of the alternate assessment, instruction in access points curriculum, or ESE center school placement, the district may not implement the change without parental consent unless the district documents reasonable efforts to obtain the parent's consent and the student's parent has failed to respond or the district obtains approval through a due process hearing and resolution of appeals.

13. Least restrictive environment (LRE) and placement determinations:

    - To the maximum extent appropriate, students with disabilities, including those in public or private institutions or other facilities, are educated with students who are not disabled. A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

      Section 1003.57(1)(f), F.S., requires that, once every three years, each school district and school must complete a Best Practices in Inclusive Education (BPIE) assessment. The BPIE is an internal assessment process designed to facilitate the analysis, implementation and improvement of inclusive educational practices. The results of this process, including all planned short- and long-term improvement efforts, must be included in the school district's ESE policies and procedures.

      The district completed the BPIE.

Date completed. (Please upload the district's BPIE action plan that must include all short- and long-term improvement efforts, in Appendix F).

February 22, 2016

The anticipated date for the triennial BPIE assessment, if known.

The triennial Best Practices in Inclusive Education (BPIE) Assessment for the Broward School district will be completed February of 2019.

- Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- A continuum of alternative placements must be available to meet the needs of students with disabilities for special education and related services, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. A school district must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Describe the district's continuum of alternative placements (e.g., instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions). If your district contracts with another to provide a placement option, please indicate this as well.

It is the intent of the Individuals with Disabilities Education Act (IDEA) 2004 that students with disabilities be educated in the least restrictive environment with their non disabled peers to the maximum extent appropriate. In order to make this determination, the IEP committee decides whether the IEP annual goals can be achieved in a regular education location in the school the child would attend if not disabled. This discussion includes identification of any special education needs, related services. and/or supplementary aids and services necessary for the student to accomplish the goals and objectives on the IEP. Special education services are defined as specially designed instruction and/or interventions to meet the unique needs of the student. Related services are defined as services required for the student to benefit from special education. Supplementary aids and services are defined as services required for the student to benefit from general education. If it is determined that the goals cannot be met in regular education, even with these supports, discussion continues to identify the location for delivery of any needed services. Locations for service delivery may include, but are not limited to, regular education classes, exceptional student education classes, vocational classes, or community. The delivery of services via consultation or collaboration should follow according to the state's definition: Consultation - sharing of information between teachers. families, agencies and others in order to address the student's needs. Consultation must be regularly scheduled and conducted face-to-face or virtually. Collaboration is a a joint effort among teachers, families, agencies and others. Collaboration involves cooperative, proactive work on the part of all participants, with all parties actively planning and carrying out interventions designed to meet a student's needs. Collaboration must be regularly scheduled and conducted face-to-face. The student's total educational plan may include any combination of locations which are appropriate. A placement category is determined based on the total amount of time the child spends with non disabled peers according to IDEA: Regular Class (more than 80% with non ESE), Resource Room (More than 40% but less than or equal to 80% with non ESE), Separate Class (less than or equal to 40% with non ESE). Special Day School, Other Separate Environment, Residential Facility and Juvenile Justice Program.

Describe the district's procedures regarding provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

As a part of the IEP process, IEP committees develop a present level of performance based on data, which drives the development of IEP goals and determines the services that the student requires to receive a Free Appropriate Public Education (FAPE). As a part of every annual IEP meeting, IEP teams discuss the continuum of services and placements to meet the unique needs of the student in the least restrictive environment. A student's need for supplementary aids and services is determined at least annually by the IEP committee.

- In determining the educational placement of a student with a disability, including a preschool child with a disability, each school district must ensure that:
  - The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
  - The placement decision is made in accordance with the LRE provisions listed above.

- The student's placement is determined at least annually, is based on the student's IEP, and is as close as possible to the student's home.
- Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

- In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available), each school district must ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The school district must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

14. Review and revision of the IEP

The district ensures that the IEP team:

a. Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved

b. Revises the IEP as appropriate to address:

- Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
- Results of any reevaluation conducted
- Information about the student provided to or by the parents
- The student's anticipated needs or other matters
- Consideration of the factors described earlier in subsection 7

c. Responds to a parent's right to ask for revision of the student's IEP

d. Encourages the consolidation of reevaluation meetings for the student and other IEP team meetings for the student, to the extent possible

15. Changes to the IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP. However, in making changes to the IEP after the annual IEP team meeting for a school year, the parent and school district may agree not to convene an IEP team meeting for purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP without a meeting, the district must ensure that the student's IEP team is informed of those changes. Upon request, a parent will be provided a revised copy of the IEP with the amendments incorporated. In addition, the following changes to the IEP and decisions made by the IEP team must be approved by the parent or the adult student, if rights have transferred, in accordance with Rule 6A-6.03311(8), F.A.C. Such changes are subject to an independent reviewer selected by the parent as provided in s. 1003.572, F.S., and include:

a. Changes to the postsecondary or career goals; and,

b. Beginning with students entering Grade 9 in the 2014-2015 school year, changes in the selected graduation option specified in the student's IEP and any waiver of statewide

standardized assessment results made by the IEP team in accordance with the provisions of s. 1008.22(3)(c), F.S.

16. Students with disabilities in adult prisons

    The requirements relating to participation in general assessments do not apply to students with disabilities who are convicted as adults under state law and incarcerated in adult prisons. In addition, the requirements relating to transition planning and services do not apply with respect to those students whose eligibility for services under Part B of IDEA will end because of their age before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release. The IEP team may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The requirements relating to the IEP content and LRE do not apply with respect to such modifications.

17. IEP implementation and accountability

    The school district is responsible for providing special education to students with disabilities in accordance with the students' IEPs. However, it is not required that the school district, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and benchmarks or objectives. An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The district must make a good faith effort to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

18. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district

    If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district will ensure that the student has the same rights as a student with a disability served by the school district. Before placing the student, the school district initiates and conducts a meeting to develop an IEP or IFSP for the student. The district will ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the district will use other methods to ensure participation by the private school, including individual or conference telephone calls. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district. However, the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school. Even if a private school or facility implements a student's IEP, responsibility for compliance with state board rules remains with the school district. These requirements apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

19. Access to instructional materials

    The school district will take all reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

20. Physical education

    Physical education services, specially designed if necessary, must be made available to every student with a disability receiving FAPE, unless the school district does not provide physical education to students without disabilities in the same grades. Each student with a disability will be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless the student is enrolled full-time in a separate facility or the student needs specially designed physical education, as prescribed in the student's IEP. If specially designed physical education is

prescribed in a student's IEP, the school district will provide the services directly or make arrangements for those services to be provided through other public or private programs. The school district responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services in compliance with the section.

21. Treatment of charter school students

    Students with disabilities who attend public charter schools and their parents retain all rights under Rules 6A-6.03011 through 6A-6.0361, F.A.C. The school district will serve students with disabilities attending those charter schools in the same manner as the district serves students with disabilities in its other schools. This includes the following:

    a. Providing supplementary and related services on site at the charter school to the same extent to which the school district has a policy or practice of providing such services on the site to its other public schools

    b. Providing funds under Part B of the IDEA to those charter schools on the same basis as the school district provides funds to the school district's other public schools:

        i. Including proportional distribution based on relative enrollment of students with disabilities

        ii. At the same time as the school distributes other federal funds to its other public schools

22. Program options

    The school district must take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the school district, including art, music, industrial arts, consumer and homemaking education, and career and technical education.

The school district has the option to include additional information regarding the development and implementation of IEPs.

○ The school district has provided additional information for this section in Appendix B of this document.

⊙ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section D: Discipline

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.530–300.537
Sections 893.02, 893.03, 1002.20, 1002.22, 1003.01, 1003.31, 1003.57, and 1006.09, F.S.
Rules 6A-1.0955, 6A-6.03011 through 6A-6.0361 and 6A-6.03312, F.A.C.

Definitions

1. Change of placement because of disciplinary removals

   For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under Rule 6A-6.03312, F.A.C., a change of placement occurs with **either** of the following:

   a. The removal is for more than 10 consecutive school days.

   b. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more than 10 school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through due process and judicial proceedings.

2. Controlled substance

   A controlled substance is any substance named or described in Schedules I–V of s. 893.03, F.S.

3. Illegal drug

   An illegal drug means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act, 21 U.S.C. 812(c), or under any other provision of federal law.

4. Serious bodily injury

   Serious bodily injury means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5. Weapon

   Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade that is less than two and a half inches in length.

6. Manifestation determination

   A manifestation determination is a process by which the relationship between the student's disability and a specific behavior that may result in disciplinary action is examined.

7. Interim alternative educational setting (IAES)

   An interim alternative educational setting is a different location where educational services are provided for a specific time period due to disciplinary reasons and that meets the requirements of Rule 6A-6.03312, F.A.C.

Procedures

1. For students with disabilities whose behavior impedes their learning or the learning of others, strategies, including positive behavioral interventions and supports to address that behavior, will be considered in the development of their IEPs. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in Rule 6A-6.03312, F.A.C., is appropriate for a student with a disability who violates the Code of Student Conduct.

Describe the district's procedures for providing information and training regarding positive behavioral interventions and supports.

The District provides advertised training on positive behavioral interventions and supports including: Positive Behavior and Academic Strategies for Student Success (PBASSS) and Functional Behavioral Assessment/Positive Behavior Intervention Plan (FBA/PBIP). These trainings are the equivalent of two days with follow up activities. Overview or refresher sessions for these trainings are also available throughout the school year. Additional trainings include, eligibility specific training, Behaviors Impacted by Autism, and CHAMPS, Classroom Management training. District ESE Staff recommend and provide specific training to school based staff based on a monthly analysis of behavior and discipline data.

Describe how the district addresses the behavior in the development of the IEP for students with disabilities whose behavior impedes their learning or the learning of others.

Behavior is addressed throughout the Present Levels of Performance when behavior is impeding the learning for the student and the classroom. As needed, goals and objectives are developed. If the student's behavior is impacting performance, the team may decide to conduct a Functional Behavioral Assessment and subsequent Positive Behavior Intervention Plan, which is noted in the Special Considerations Behavior section of the IEP.

2. Authority of school personnel

   Consistent with the school district's Code of Student Conduct and to the extent that removal would be applied to nondisabled students, school personnel:

   a. May remove a student with a disability, who violates a code of student conduct, from the student's current placement for not more than 10 consecutive school days

   b. May remove a student with a disability, for not more than 10 consecutive school days in that same school year, for separate incidents of misconduct, as long as those removals do not constitute a change in placement as defined in Rule 6A-6.03312, F.A.C.

Describe the district's procedures for monitoring out-of-school suspensions, to include the review of suspension and expulsion data.

District ESE Staff are required to monitor suspension and expulsion data for all schools on a monthly basis.

Describe the district's procedures for determining whether a pattern of removals constitutes a change of placement (See Definitions 1 a-b).

If a student with a disability is suspended without FAPE for more than 10 cumulative days in a school year, there is a pattern of removal. In such cases, FAPE must be provided, a manifestation determination meeting must be held, and the IEP and FBA/PBIP must be reviewed and revised as needed. If an FBA/PBIP is not in place, an FBA must be conducted and a PBIP must be developed.

3. Manifestation determination

   A manifestation determination, consistent with the following requirements, will be made within 10 school days of any decision to change the placement of a student with a disability because of a violation of a Code of Student Conduct.

a. In conducting the review, the school district, the parent, and relevant members of the IEP team (as determined by the parent and the school district):
   - Will review all relevant information in the student's file, including any information supplied by the parents of the student, any teacher observations of the student, and the student's current IEP
   - Will determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or whether the conduct in question was the direct result of the school district's failure to implement the IEP

b. If the school district, the parent, and relevant members of the IEP team determine that the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability or that the conduct in question was the direct result of the school district's failure to implement the IEP, the conduct will be determined to be a manifestation of the student's disability and the school district will take immediate steps to remedy those deficiencies.

c. If the school district, the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the IEP team will either:
   - Conduct a functional behavioral assessment (FBA), unless the school district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan (BIP) for the student; or
   - If a BIP has already been developed, review and modify it, as necessary, to address the behavior; and
   - Except as provided in 6. of this section, return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the BIP.

d. For disciplinary changes of placement, if the behavior that gave rise to the violation of a Code of Student Conduct is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to nondisabled students may be applied to the student in the same manner and for the same duration in which they would be applied to nondisabled students, except that services necessary to provide FAPE will be provided to the student with a disability, as described in 5. of this section.

e. If a parent disagrees with the manifestation determination decision made by the IEP team pursuant to this rule, the parent may appeal the decision by requesting an expedited due process hearing as described in 7. of this section.

Describe the district's procedures for scheduling manifestation determination reviews within required timelines and determining participants for these reviews.

A manifestation determination meeting is scheduled by the school that the student attends. The meeting must be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct. Participants must include the parent, the appropriate evaluation specialist and relevant members of the IEP team.

Describe the district's procedures for initiating and conducting FBAs and BIPs in a timely manner.

If it is determined that the conduct was a manifestation of the student's disability, then an FBA is conducted and a PBIP is developed according to the reevaluation timeline. If there is an existing PBIP, it is to be reviewed and revised as needed.

Describe the district's procedures for providing training regarding conducting FBAs and developing and implementing BIPs.

Every school is expected to have a team trained in conducting FBAs and developing and implementing PBIPs. The District provides comprehensive FBA/PBIP training which is the equivalent of two days with follow up activities. Refresher and overview FBA/PBIP trainings are available throughout the school year.

Describe the district's procedures for providing FAPE for students when the behavior is determined not to be a manifestation of the student's disability.

FAPE is provided if the student is placed in an alternative educational setting.

Describe the district's procedures for requesting an expedited due process hearing when parents disagree with a manifestation determination.

School staff provide the parent with a copy of the Due Process Hearing Request form along with a copy of the Procedural Safeguards. The parent must notify the District by submitting the Due Process Hearing Request and checking off that the Due Process Hearing request is to be expedited, which is an option provided on the District's form.

4. On the date a decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, the school district will notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards.
5. Providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES
    a. A school district is not required to provide services to a student with a disability during removals totaling 10 school days or fewer in that school year if services are not provided to nondisabled students who are similarly removed.
    b. Students with disabilities who are suspended or expelled from school or placed in an IAES will continue to receive educational services in accordance with s. 1003.01, F.S., including homework assignments, to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP and receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications designed to address the behavior violation so that it does not reoccur.
    c. After a student with a disability has been removed from the current placement for 10 school days in the school year, if the current removal is not more than 10 consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the student's special education teachers, will determine the extent to which services are needed to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
    d. If the removal is a change of placement under Rule 6A-6.03312, F.A.C., the student's IEP team determines appropriate services under 5.b. of this section.

Describe the district's procedures for providing FAPE for students with disabilities who are suspended or expelled or placed in an IAES.

Students with disabilities are not to be suspended beyond 10 days cumulatively within a school year. However, if a student is suspended beyond 10 days, a manifestation determination meeting must be held and FAPE must be provided. Students with disabilities are not expelled. Students with disabilities who commit an expellable offense are placed at an IAES with FAPE.

Describe the district's procedures for providing training and supports for staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES.

Staff members who provide services to students with disabilities who are suspended or expelled or placed in an IAES receive the same behavior training and support available to all staff. District ESE Staff assigned to the IAES to provide technical assistance and staff development.

6. Special circumstances and interim alternative educational settings
    a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
        - Carries a weapon to or possesses a weapon at school, on school premises, or to a school function under the jurisdiction of a SEA or a school district;
        - Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of an SEA or a school district; or
        - Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a SEA or a school district.
    b. On the date that a decision is made to make a removal that constitutes a change of placement because of a violation of a code of student conduct, the school district will notify the parent of that decision and provide the parent with a copy of the notice of procedural safeguards.

Describe the district's procedures for notifying parents on the date that a decision is made to make a removal that constitutes a change of placement and providing parents with a copy of the notice of procedural safeguards on this date.

The school principal is responsible for notifying parent(s) in person or in writing on the date that a decision is made to remove a student resulting in a change of placement and provide the parent(s) with a copy of procedural safeguards.

Describe the district's procedures for tracking students' removals to an IAES to ensure that the 45 school-day limit is maintained.

The principal of the school where the student committed the special circumstance infraction and the principal of the IAES are responsible for tracking the student's removal to ensure that the 45-school-day limit is maintained.

7. Appeal and expedited hearings
    a. An expedited hearing may be requested by:
        - The student's parent, if the parent disagrees with a manifestation determination or with any decision not made by an administrative law judge (ALJ) regarding a change of placement under Rule 6A-6.03312, F.A.C.
        - The school district, if it believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others
    b. The school district may repeat the procedures for expedited hearings if it believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
    c. Expedited due process hearings requested under this subsection will be conducted by an ALJ for the Division of Administrative Hearings, Department of Management Services, on behalf of the Department of Education, and will be held at the request of either the parent or the school district regarding disciplinary actions. These hearings will meet the requirements prescribed in

Rules 6A-6.03011 through 6A-6.0361, F.A.C., except that the hearing will occur within 20 school days of the date the request for due process is filed and an ALJ will make a determination within 10 school days after the hearing. In addition, unless the parents and the school district agree in writing to waive the resolution meeting described herein or agree to use the mediation process set forth in these rules:

- A resolution meeting will occur within seven days of receiving notice of the request for expedited due process hearing
- The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of the receipt of the request for an expedited due process hearing

d. The decision of the ALJ rendered in an expedited hearing may be appealed by bringing a civil action in a federal district or state circuit court, as provided in s. 1003.57(1)(b), F.S.

Describe the district's procedures for setting up resolution meetings within seven days of receiving notice of a request for an expedited due process hearing.

The Due Process Coordinator contacts the parent and/or representative via telephone or email once the Due Process request is received and schedules the Resolution Meeting within seven (7) days of the date the request is filed. The parties establish a mutually agreed upon date, time and location for the resolution meeting.

8. Authority of an Administrative Law Judge

   An ALJ hears and makes a determination regarding an appeal and request for expedited due process hearing under this subsection and, in making the determination:

   a. An ALJ may return the student with a disability to the placement from which the student was removed if the ALJ determines that the removal was a violation of Rule 6A-6.03312, F.A.C., or that the student's behavior was a manifestation of the student's disability; or

   b. Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the ALJ determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

   The procedures under this subsection may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

9. Student's placement during appeals or expedited due process proceedings

   When an appeal as described in 7. above has been made by either the parent or the school district, the student will remain in the IAES determined by the IEP team pending the decision of the ALJ or until the expiration of the time period specified by school personnel, including expulsion for a student where no manifestation was found, unless the parent and the Department of Education or school district agree otherwise.

10. Protections for students not determined eligible for special education and related services

    A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under Rule 6A-6.03312, F.A.C. if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

    a. Basis of knowledge

       A school district is deemed to have knowledge that a student is a student with a disability if:

       - The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services; or
       - The parent has requested an evaluation to determine whether the student is in need of special education and related services; or

- The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

b. Exception

A school district would not be deemed to have knowledge of a disability (see above) if:

- The parent of the student has not allowed an evaluation to determine if the student is an eligible student with a disability;
- The parent of the student has refused to provide consent for initial provision of special education and related service;
- The parent of the student revoked consent for the student to receive special education and related services; or
- The school district conducted an evaluation in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined that the student was not a student with a disability.

c. Conditions that apply if no basis of knowledge

- If the school district has no knowledge that the student is a student with a disability prior to disciplinary action, the student may be disciplined in the same manner as a nondisabled student who engages in comparable behaviors.
- If an evaluation request is made for the student during the time period of the disciplinary action, the evaluation will be conducted in an expedited manner. Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services. If the student is determined to be a student with a disability, taking into consideration information from the evaluation and information provided by the parents, the school district will provide special education and related services consistent with the requirements of Rule 6A-6.03312, F.A.C.

11. Nothing in Rule 6A-6.03312, F.A.C., prohibits a school district from reporting a crime committed by a student with a disability to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.

12. Student records in disciplinary procedures

Regarding the person making the final determination for the disciplinary action, school districts will ensure that the special education and disciplinary records of students with disabilities are transmitted, consistent with the provisions of 34 CFR §300.535(b), s. 1002.22, F.S., and Rule 6A-1.0955, F.A.C.:

Describe the district's procedures for ensuring that special education and disciplinary records of students with disabilities are transmitted to the person making the final determination regarding the disciplinary action.

Schools utilize the District approved electronic management systems to input, maintain and retrieve all special education and disciplinary records throughout the District. School Administration utilizes a District wide Administrator's Discipline Matrix to make determinations requiring disciplinary actions. The District complies with the legal requirements for reporting required infractions.

13. Disciplinary records of students with disabilities

School districts will include in the records of students with disabilities a statement of any current or previous disciplinary action that has been taken against the student and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled students.

a. The statement may be a description of any behavior engaged in by the student that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student.

b. If the student transfers from one school to another, the transmission of any of the student's records will include both the student's current IEP and any statement of current or previous disciplinary action that has been taken against the student.

Part II. Policies and Procedures for Students with Disabilities

Section E: Participation in State and District Assessments

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §300.320
Chapters 458 and 459, F.S.
Sections 1003.01,1003.4282, 1003.428, 1003.43, 1003.433, 1007.02, 1008.22, 1008.212, 1008.25, and 1011.62, F.S.
Rules 6A-1.09401, 6A-1.0943, 6A-1.09430, 6A-6.03011 through 6A-6.0361, 6A-6.03020, 6A-6.03028, 6A-6.0331, 6A-6.03311 and 6A-6.03411, F.A.C.

Statewide, Standardized Assessment Program

1. Purpose

   The student assessment program provides information about student mastery of grade-level state standards and to inform parents of their child's educational progress.

2. Student participation

   a. Each student with a disability has the opportunity to participate in the statewide standardized assessment program and any district-wide assessment of student achievement with allowable accommodations, if determined appropriate by the Individual Educational Plan (IEP) team and recorded on the student's IEP.

   b. Accommodations identified for testing situations are those identified in the test manual and regularly used by the student in the classroom.

   c. A parent must provide signed consent for a student to receive instructional accommodations not permitted on statewide standardized assessments and acknowledge, in writing, the implications of such accommodations.

   d. Students who are identified solely as gifted are not eligible for statewide standardized assessment accommodations.

3. Allowable accommodations

   Allowable and appropriate accommodations for statewide standardized assessments are included in the test administration manual. Copies of current statewide standardized assessment test administration manuals published by the Florida Department of Education's Bureau of Assessment and School Performance, and Bureau of Exceptional Education and Student Services are available by contacting the Department of Education at http://www.fldoe.org/asp.

4. Waiver of assessment requirements

   A student with a disability, as defined in s. 1007.02(2), F.S., for whom the IEP team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student's transcript.

Extraordinary Exemption for Students with Disabilities

In accordance with s. 1008.212, F.S., Students with disabilities; extraordinary exemption, a student with a disability may be eligible for an exemption from participation in statewide assessment.

1. Definitions:

   a. "Statewide standardized assessments" – Pursuant to s. 1008.22(3), F.S., the Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The

commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282, F.S., and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation.

b. "Circumstance" means a situation in which accommodations allowable for use on the state-wide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., are not offered to a student during the current year's assessment administration due to technological limitations in the testing administration program which lead to results that reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of-course assessment, or an alternate assessment.

c. "Condition" means an impairment, whether recently acquired or longstanding, which affects a student's ability to communicate in modes deemed acceptable for statewide assessments, even if appropriate accommodations are provided, and creates a situation in which the results of administration of the statewide standardized assessment, an end-of- course assessment, or an alternate assessment would reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement of the benchmarks assessed by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment.

d. "Medical complexity" – Pursuant to s. 1008.22(9), F.S., a child with a medical complexity means a child who, based upon medical documentation from a physician licensed under Chapter 458 or chapter 459, F.S., is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living and lacks the capacity to take, or perform on, an assessment.

e. "Parent" – Pursuant to State Board of Education Rule 6A-6.03411(1)(bb), F.A.C., Parent means:

   i. A biological or adoptive parent of a student;

   ii. A foster parent;

   iii. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the student (but not the state if the student is a ward of the state);

   iv. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

   v. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C.

2. A student with a disability for whom the IEP team determines is prevented by a circumstance or condition from physically demonstrating the mastery of skills that have been acquired and are measured by the statewide standardized assessment, a statewide standardized end-of- course assessment, or an alternate assessment pursuant to s. 1008.22(3)(c), F.S., shall be granted an extraordinary exemption from the administration of the assessment. A learning, emotional, behavioral, or significant cognitive disability, or the receipt of services through the homebound or hospitalized program in accordance with Rule 6A-6.03020, F.A.C., is not, in and of itself, an adequate criterion for the granting of an extraordinary exemption.

3. The IEP team, which must include the parent, may submit to the district school superintendent a written request for an extraordinary exemption at any time during the school year, but not later than 60 days before the current year's assessment administration for which the request is made. A request must include all of the following:
    a. A written description of the student's disabilities, including a specific description of the student's impaired sensory, manual, or speaking skills.
    b. Written documentation of the most recent evaluation data.
    c. Written documentation, if available, of the most recent administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    d. A written description of the condition's effect on the student's participation in the statewide standardized assessment, an end-of-course assessment, or an alternate assessment.
    e. Written evidence that the student has had the opportunity to learn the skills being tested.
    f. Written evidence that the student has been provided appropriate instructional accommodations.
    g. Written evidence as to whether the student has had the opportunity to be assessed using the instructional accommodations on the student's IEP which are allowable in the administration of the statewide standardized assessment, an end-of-course assessment, or an alternate assessment in prior assessments.
    h. Written evidence of the circumstance or condition as defined in section (1).
    i. The name, address, and phone number of the student's parent.
4. Based upon the documentation provided by the IEP team, the school district superintendent shall recommend to the commissioner of education whether an extraordinary exemption for a given assessment administration window should be granted or denied. A copy of the school district's procedural safeguards as required in rule 6A-6.03311, F.A.C., shall be provided to the parent. If the parent disagrees with the IEP team's recommendation, the dispute resolution methods described in the procedural safeguards shall be made available to the parent. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 30 days after the receipt of the request whether the exemption has been granted or denied. If the commissioner grants the exemption, the student's progress must be assessed in accordance with the goals established in the student's IEP. If the commissioner denies the exemption, the notification must state the reasons for the denial.
5. The parent of a student with a disability who disagrees with the commissioner's denial of an extraordinary exemption may request an expedited hearing. If the parent requests the expedited hearing, the Department of Education shall inform the parent of any free or low-cost legal services and other relevant services available in the area. The Department of Education shall arrange a hearing with the Division of Administrative Hearings, which must be commenced within 20 school days after the parent's request for the expedited hearing. The administrative law judges at the division shall make a determination within 10 school days after the expedited hearing. The standard of review for the expedited hearing is de novo, and the department has the burden of proof.

Exemption for a Child With Medical Complexity

In accordance with s. 1008.22, F.S., *Student assessment program for public school; Child with medical complexity, a child with a medical complexity* may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment (FAA), pursuant to the following provisions.

1. Child with a medical complexity
    a. *Definition of child with medical complexity.* A child with a medical complexity means a child who, based upon medical documentation from a physician licensed under chapter 458 or 459 is medically fragile and needs intensive care due to a condition such as congenital or acquired multisystem disease; has a severe neurological or cognitive disorder with marked functional impairment; or is technology dependent for activities of daily living; and lacks the capacity to take or perform on an assessment.

b. *Exemption options.* In accordance with Rule 6A-1.0943, F.A.C., if the parent consents in writing, and the IEP team determines that the child should not be assessed based upon medical documentation that the child meets the definition of a child with medical complexity, then the parent may choose one of the following three assessment exemption options.

i. One-year exemption approved by the district school superintendent. If the superintendent is provided written documentation of parental consent and appropriate medical documentation to support the IEP team's determination that the child is a child with medical complexity, then the superintendent may approve a one-year exemption from all statewide, standardized assessments, including the FAA. For all students approved by the district superintendent for a one-year exemption, the following information must be reported to the commissioner of education beginning June 1, 2015, and each June 1 thereafter:

a. The total number of students for whom a one-year exemption has been granted by the superintendent; and

b. For each student receiving an exemption, the student's name, grade level and the specific statewide standardized assessment(s) from which the student was exempted.

ii. One-, two-, or three-year or permanent exemption approved by the commissioner of education as described in s. 1008.22(9), F.S. In order for the commissioner to consider such an exemption, the following information must be submitted by the district superintendent to the commissioner of education no later than 30 calendar days before the first day of the administration window of the statewide standardized assessment for which the request is made:

a. The student's name, grade level, and the statewide standardized assessment for which the exemption request is made;

b. The name, address, and phone number of the student's parent;

c. Documentation of parental consent for the exemption;

d. Documentation of the superintendent's approval of the exemption;

e. Documentation that the IEP team considered and determined that the student meets the definition of medically complex as defined in s.1008.22(9), F.S.; and

f. Medical documentation of the student's condition as determined by a physician licensed in accordance with Chapter 458 or Chapter 459, F.S.

iii. Upon receipt of the request, documentation, and recommendation, the commissioner shall verify the information documented, make a determination, and notify the parent and the district school superintendent in writing within 20 calendar days after the receipt of the request whether the exemption has been granted or denied.

Alternate Assessment Based on Alternate Achievement Standards (AA-AAS)

1. Students with significant cognitive disabilities, for whom the statewide standardized assessment– even with allowable accommodations– is not appropriate, may be eligible to participate in the statewide assessment program through the AA-AAS.

2. Eligibility requirements

The decision that a student with a significant cognitive disability will participate in the statewide alternate assessment as defined in s. 1008.22(3)(c), F.S., is made by the IEP team and recorded on the IEP. The provisions with regard to parental consent for participation in the Florida Alternate Assessment in accordance with Rule 6A-6.0331(10), F.A.C., must be followed. The following criteria must be met:

a. Even with appropriate and allowable instructional accommodations, assistive technology, or accessible instructional materials the student requires modifications as defined in Rule 6A-1.09401, F.A.C.; and

b. The student requires direct instruction in academic areas of English language arts, math, social studies, and science based on access points pursuant to Rule 6A-1.09401, F.A.C., in order to acquire, generalize, and transfer skills across settings.

3. District and IEP team requirements

   If it is determined by the IEP team using the Assessment Participation Checklist that the student will participate in the statewide assessment through the AA-AAS, the IEP will contain a statement of why the general assessment is not appropriate and why the AA-AAS is appropriate. It also will indicate that notification was made to the parent and that the implications of the student's nonparticipation in the statewide, standardized assessment program were provided. The Assessment Participation Checklist may be accessed at: http://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf.

4. Administration of the AA-AAS

   The assessment will be administered individually by the student's special education teacher. If this is not possible, the test administrator will be a certified teacher or other licensed professional who has worked extensively with the student. All individuals who administer the AA-AAS must be trained in administration procedures and receive annual update training.

Additional Information Required:

An alternate assessment is required for any district-wide assessment of student achievement that is not administered to students on alternate achievement standards.

The district administers district-wide assessment(s) of student achievement.

◉ Yes
○ No

If yes, include the name of each district-wide assessment and whether or not the assessment is administered to students on alternate achievement standards. If the district-wide assessment is not administered to students on alternate achievement standards, identify the corresponding alternate assessment. (If your district uses a portfolio as a corresponding district alternate assessment, the data collected should be based on grade level Florida Alternate Achievement Standards. For portfolios, indicate what information is being collected, how the information is being recorded, what type of scoring rubric is being used and how the district ensures that all teachers are collecting the same information and scoring the data the same way.)

DRA, DRA2, Rigby, Benchmark Assessment Test (BAT), Benchmark Assessment of Florida Standards (BAFS), sections of the Brigance.

Part II. Policies and Procedures for Students with Disabilities

Section F: Eligibility Criteria for Prekindergarten Children with Disabilities

☐ This section is not applicable for the district.

Statutory and Regulatory Citations

34 CFR §§300.25 and 300.101
Sections 1003.01, 1003.21, and 1003.57, F.S.
Rule 6A-6.03026, F.A.C.

Definition

A prekindergarten child with a disability is a child who meets the following criteria.

Eligibility Criteria

In accordance with s. 1003.21, F.S., a child is eligible for prekindergarten programs for children with disabilities based upon meeting the eligibility criteria for one or more specific exceptionalities listed below and upon meeting the age requirements shown.

1. The child is below three years of age and meets the criteria for eligibility for any of the following educational programs:
    a. Deaf or hard of hearing
    b. Visually impaired
    c. Orthopedically impaired, other health impairment, or traumatic brain injury
    d. Intellectual disabilities
    e. Established conditions
    f. Developmentally delayed
    g. Dual-sensory impaired
    h. Autism Spectrum Disorder
2. The child is age three through five years and meets the criteria for eligibility as a child with one or more of the following disabilities:
    a. Intellectual disabilities
    b. Speech and language impaired
    c. Deaf or hard of hearing
    d. Visually impaired
    e. Orthopedically impaired, other health impairment, or traumatic brain injury
    f. Emotional or behavioral disabilities
    g. Specific learning disabilities
    h. Homebound or hospitalized
    i. Dual-sensory impaired
    j. Autism Spectrum Disorder
    k. Developmentally delayed

Child Evaluation

1. Evaluations are conducted in accordance with the requirements of rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

2. Existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate, to meet evaluation criteria for the rules for the eligibility areas listed in Sections 1. and 2. of the Eligibility Criteria.

Instructional Program

In regards to a child who is eligible for admission to public kindergarten in accordance with Section 1003.21, F.S., an eligible prekindergarten child with a disability may receive instruction for one additional school year in a prekindergarten classroom in accordance with the child's Individual Educational Plan (IEP) or Individualized Family Support Plan (IFSP).

The parent or guardian must be informed in writing of the implications of an additional year in the prekindergarten classroom (i.e., the additional year is not considered a "retention, " thus impacting the future consideration of a "good cause exemption"). If a parent disagrees with the IEP team recommendation for an additional year of instruction in a prekindergarten classroom, the team's recommendation may not be used to deny a child admission to kindergarten.

Transition from Early Steps Part C Services to Part B Services

The district's processes and procedures regarding the transition of eligible children from Early Steps to the Part B Program for Prekindergarten Children with Disabilities, including district procedures that ensure the district's participation in the transition conference and development of the IEP by the third birthday, are described in the text box below.

All community referrals to Broward Early Steps are completed by FDLRS Child Find/Broward County Public Schools (BCPS). Shared Preschool Outcomes - Part C Evaluation - Children Diagnostic Treatment Center (CDTC)/Early Steps will evaluate each child at intake using the Battelle Developmental Inventory - 2nd Edition (BDI-2) as part of the Florida system to measure outcomes for children served by both Early Steps and school districts. For children 30 months and older as of the date of the initial Individual Family Support Plan (IFSP), the BCPS will use the Early Steps BDI-2 (Part C exit) as their Part B entry evaluation. The Early Steps Service Coordinator contacts each family to discuss the transition process and also reviews the process at each IFSP meeting they attend. With parental consent, the CDTC Early Steps Service Coordinator compiles transition packets for all children, including those who may or may not be potentially eligible for Part B, no later than two years six months of age. The CDTC/Early Steps Service Coordinator sends the transition packets to the Lead Education Agency (LEA) Transition Representative. The LEA receives Early Steps transition packet and tracks status of packet for completeness, the school district Prekindergarten (PreK) Exceptional Student Education (ESE) & Support Services assessment team reviews child's transition packet including prior assessment data in order to determine child's need for further evaluations. The CDTC/Early Steps Service Coordinator schedules a transition meeting with the family no less than two years nine months and no more than 2 years 3 months of age. The LEA attends a transition IFSP meeting and participates in the development of the child's transition plan. The FDLRS/Child Find Specialist informs each family, received 45 days or less prior to the child's third birthday, of the Early Steps Program at the Children's Diagnostic & Treatment Center and the option of a screening appointment with FDLRS/Child Find. If the child transitioning from Part C is found eligible for Part B services, an IEP is developed and implemented on or before the child's 3rd birthday.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy

    a. The prekindergarten program for children with disabilities supports young children by recognizing and respecting their unique abilities, strengths, and needs.

    b. Services for young children with disabilities and their families include a range of educational, developmental, and therapeutic activities that are provided in least restrictive or natural learning environments where children experience learning opportunities that promote and enhance behavioral and developmental competencies.

    c. For a child with disabilities age three through five years, special education, which refers to specially designed instruction and related services, is provided to meet the unique needs of the child. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction.

d. Programs and services for prekindergarten children with disabilities are based on practices that are developmentally appropriate for all young children. They acknowledge the importance of collaboration and partnerships with families and view the child in the context of the family and community. Understanding and knowledge of early childhood development serves as a foundation for these practices.

2. Curriculum

   a. Curriculum content, materials, and activities are consistent with the district's program philosophy.

      - For prekindergarten children with disabilities, during the year prior to kindergarten entry, the Florida Early Learning and Developmental Standards – 4 Years Old to Kindergarten are used to guide the selection of curriculum (curricula) in concert with a knowledge and understanding of the impact of the disability on the growth and development of the child.
      - The Florida Early Learning and Developmental Standards: Birth to Kindergarten help to create a shared framework and common language between early childhood education and early childhood special education by emphasizing the sequence of development across multiple developmental domains and the importance of the classroom environment to include how curricula, materials, and equipment are selected.
      - For children birth to the age of eligibility for the VPK program, Florida Early Learning and Developmental Standards: Birth to Kindergarten may be used to guide the selection of curriculum, materials, and equipment.

   b. Modifications, adaptations, and accommodations of curricula, materials, and activities selected may be needed to meet the unique needs of the child. Ongoing progress monitoring is conducted to ensure that the instruction or interventions provided are effective in attaining the desired outcomes.

3. Instructional support

   a. Young children receive instructional support through specially designed instruction and related services as determined by the IEP process or early intervention services as determined through the IFSP process. These services are based on peer-reviewed, research-based practices to the extent practicable.

   b. Teachers and related services personnel are trained in how to design and implement individualized programs to address the learning needs of children with disabilities.

   c. Teachers and related services personnel are provided with administrative support to ensure reasonable class size and workload, adequate funds for materials, and professional development. Teachers provide instruction in the domains of development, including cognitive development, motor development, language and communication, social emotional development, and adaptive behavior. Instruction and related services may be offered in a continuum of placements and settings that may include regular, resource, or special class settings in public, community-based, or home-based settings.

   d. School districts may provide related services to children and professional development for teachers and related services personnel in coordination with community agencies, including other early childhood partners such as Early Learning Coalitions and Head Start. Additionally, support for professional development and related services may, as appropriate, be provided in collaboration with discretionary projects funded by the Bureau of Exceptional Education and Student Services, the Florida School for the Deaf and the Blind, and other agencies of state and local government, including, but not limited to, the Division of Blind Services, the Department of Children and Families, and the Department of Health, Children's Medical Services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for prekindergarten children with disabilities.

◉ The school district has provided additional information for this section in Appendix B of this document.

○ There is no additional information for this section.

Part II. Policies and Procedures for Students with Disabilities

Section G: Individualized Family Support Plan for Students with Disabilities Ages Birth through Five Years

☐ This section is not applicable for the district.

Students with Disabilities Ages Birth through Two Years

Statutory and Regulatory Citations

34 CFR §303.340
Sections 1003.03, 1003.21, and 1003.57, F.S.
Rules 6A-6.0331 and 6A-6.03029, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of families who have children with disabilities, ages birth through two years, related to enhancing a child's development and the resources to provide early intervention services. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others is used to prepare the document. An IFSP must be used for children ages birth through two years.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the family's child as identified through the assessment of the family.

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. A statement of the natural environments in which early intervention services, and a justification of the extent, if any, to which the services will not be provided in a natural environment;

   f. A statement of the strategies needed in order to meet the child's and family's outcomes

   g. The projected dates for initiation of services.

   h. The IFSP must:

      - Identify any medical and additional supports that the child or family needs or is receiving through other sources but that are neither required nor funded under IDEA, Part C and
      - Include a description of the steps the service coordinator or family may take to assist the child and family in securing additional supports not currently being provided

i. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the services identified on the plan including transition services and coordination with other agencies and persons;

j. Family demographic and contact information;

k. A statement of eligibility, including recommendations for children not found eligible;

l. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts

m. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

n. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation, and the individual responsible for implementing the IFSP.

2. Content of IFSPs for children ages birth through two years

IFSPs developed for children with disabilities ages birth through two years must also include:

a. The frequency, intensity, and method of delivery of the early intervention services;

b. The location and length of the early intervention services;

c. Funding source or payment arrangements, if any;

d. Anticipated duration of the services;

e. Other services to the extent appropriate; and

f. The steps to be taken to support the transition of the child, upon reaching age three, to preschool services for children with disabilities ages three through five years, to the extent that those services are considered appropriate or other services that may be available, if appropriate; the steps required for transition include:

- Discussions with and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
- Notification information to the school district for the purpose of child find;
- With parental consent, the transmission of information about the child to the school district to ensure continuity of services, including a copy of the most recent evaluation and assessments of the child and family and a copy of the most recent IFSP that has been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

3. Timelines and requirements for IFSPs

a. Timelines for IFSPs developed for children ages birth through two years include:

- A meeting to develop the initial IFSP for a child who has been evaluated for the first time and determined eligible must be conducted within 45 days from referral;
- A review of the IFSP for a child and the child's family must be conducted every six months from the date of the initial or annual evaluation of the IFSP or more frequently if conditions warrant, or if the family requests such a review; the review may be carried out at a meeting or by another means that is acceptable to the parent(s) and other participants.

b. The purpose of the periodic review is to determine:

- The degree to which progress toward achieving the results or the outcomes identified on the IFSP is being made; and

- Whether modifications or revision of the results or outcomes or services are necessary; and
- Whether additional needs have been identified based on ongoing assessment or observation.

c. A face-to-face meeting is conducted on at least an annual basis re-determine eligibility and review the IFSP and, to revise, change, or modify its provisions. The results of any current evaluations, and other information available from the ongoing assessments of the child and family, are used to determine continuing eligibility and what early intervention services are needed and will be provided.

d. IFSP meetings are held in accordance with the following:

- Conducted in settings and at times that are convenient to families; and
- Conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

e. Meeting arrangements are made with and written notice provided to the family and other participants early enough before the meeting date to ensure that they will be able to attend.

f. The contents of the IFSP are fully explained to the parent(s) and informed written consent from the parent(s) is obtained prior to the provisions of early intervention services described in the plan. If the parent(s) do not provide consent with respect to a particular early intervention service, that service may not be provided. Each early intervention service must be provided as soon as possible after the parent provides consent for that service.

4. Participants in IFSP meetings (ages birth through two years)

Participants in the development of IFSPs (both initial and annual) for children with disabilities ages birth through two years must include:

a. The parent or parent(s) of the child;

b. Other family members as requested by the parent(s), if feasible to do so;

c. An advocate or person outside of the family, if the parent(s) request that the person participate;

d. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or the person designated responsible for implementation of the IFSP;

e. For initial IFSP meetings, individuals who are directly involved in conducting the evaluation and assessment;

f. The individual who will be providing early intervention services to the child or family, as appropriate.

5. If any of these participants is unable to attend a meeting, arrangements must be made for the individual's involvement through other means, including:

a. Participating in a telephone or video conference call;

b. Having a knowledgeable authorized representative attend the meeting; or

c. Making pertinent records available at the meeting.

6. Each periodic review provides for the participation of the individuals listed above. If conditions warrant, provisions must be made for the participation of other representatives.

7. Provision of services before evaluation and assessments are completed

Early intervention services for a child with disabilities ages birth through two years and the child's family may commence before the completion of the evaluation and assessments if the following conditions are met:

a. Parental consent is obtained;

b. An interim IFSP is developed that includes the name of the service coordinator who will be responsible for the implementation of the interim IFSP and coordination with other agencies and individuals and the services that have been determined to be needed immediately by the child and the family; and

c. Signatures of those who developed the IFSP; and

d. The evaluation and assessments are completed and an initial IFSP developed within 45 days from the referral date.

8. For children ages birth through two years, the school district is only financially responsible for the early intervention services specified and agreed to through the IFSP process.

Students with Disabilities Ages Three through Five

Statutory and Regulatory Citations

34 CFR §§303.323 and 300.340
Sections 1003.21, 1003.03, and 1003.57, F.S.
Rules 6A-6.03028, 6A-6.03029 and 6A-6.0331, F.A.C.

Definition

An IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to children with disabilities ages birth through two years or special education and related services to children with disabilities ages three through five years. School districts may utilize, at the option of the school district and with written parental consent, an IFSP, consistent with Rule 6A-6.03029, F.A.C., in lieu of an individual educational plan (IEP). Parents must be provided with a detailed explanation of the difference between an IFSP and an IEP. To meet the identified outcomes for an individual child and family, a planning process involving the family, professionals, and others shall be used to prepare the document.

Procedures

1. Content of an IFSP

   The IFSP is in writing and includes:

   a. A statement of the child's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive skills development based on the information from the child's evaluation and assessment.

   b. With concurrence of the family, a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family;

   c. A statement of the measurable results or measurable outcomes expected to be achieved by the child and the family, including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, as developmentally appropriate for the child, and the goals, criteria, procedures, and timelines used to determine the degree to which progress toward achieving the measurable results or outcomes is being made and whether modifications or revisions of the expected results or outcomes or services are necessary;

   d. A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, or, necessary to meet the unique needs of the child and the family, to achieve the results or outcomes identified on the IFSP;

   e. The projected dates for initiation of services;

   f. The name of the service coordinator from the profession most immediately relevant to the child's or family's needs or the individual who is otherwise qualified to be responsible for the implementation of the plan and coordination with other agencies and persons. In meeting this requirement, the school district may assign the same service coordinator who was appointed at

the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP or may appoint a new service coordinator;

g. Family demographic and contact information;

h. A statement of eligibility, including recommendations for children not found eligible;

i. A description of everyday routines, activities, and places in which the child lives, learns, and plays and individuals with whom the child interacts;

j. Identification of the most appropriate IFSP team member to serve as the primary service provider; and

k. Documentation of the names of the individuals who participated in the development of the IFSP, the method of participation and the individual responsible for implementing the IFSP.

l. The frequency, intensity, and method of delivery of the early intervention services;

m. The location and length of the services;

n. The payment arrangements, if any;

o. Anticipated duration of the services;

p. Other services to the extent appropriate; and

- The steps to be taken to support the transition of the child when exiting the Early Steps program to preschool services for children with disabilities ages three through five years, or other services that may be available. The steps required for transition shall include:
- Discussions with, and training of, parent(s) regarding future placements and other matters related to the child's transition;
- Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;
- With parental consent, the sharing of information about the child to the school district to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the child.

2. Requirements for IFSPs for children ages three through five are in accordance with the requirements in 6A-6.03028, F.A.C.

   - By the third birthday of a child who has been participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028(3)(e), F.A.C., or an IFSP consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented.
   - For the purpose of implementing the requirements of Rule 6A-6.03029, F.A.C., each school district will participate in transition planning conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.
   - If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP or IFSP will begin.

3. Participants in IFSP meetings for children with disabilities (ages three through five years) include:

   a. The parent(s);

   b. Not less than one regular education teacher,

   c. Not less than one special education teacher or, where appropriate, not less than one special education provider of the student.

d. A representative of the local district who is qualified to provide or supervise the provision of specially designed instruction for children with disabilities and is knowledgeable about the general curriculum and the availability of resources of the local district;

e. An individual who can interpret the instructional implications of the evaluation results. This individual may be a member of the committee as described in b) through d) above;

f. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the IFSP meeting); and

g. Whenever appropriate, the child.

4. IEPs and meetings for students with disabilities placed in private schools or community facilities by the school district.

   a. If a student with a disability is placed in a private school by the school district, in consultation with the student's parents, the school district shall:

      - Ensure that the student has all of the rights of a student with a disability who is served by a school district.
      - Initiate and conduct a meeting to develop an IEP or an IFSP in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., before the school district places the student; and,
      - Ensure the attendance of a representative of the private school at the meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

   b. After a student with a disability enters a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of the school district, but the school district must ensure that the parents and a school district representative are involved in decisions about the IEP and agree to proposed changes in the IEP before those changes are implemented by the private school.

   c. Even if a private school or facility implements a student's IEP, responsibility for compliance with these rules remains with the school district.

   d. Subparagraphs 4.a. – c. of this section apply only to students who are or have been placed in or referred to a private school or facility by a school district as a means of providing FAPE.

5. If placement in a public or private residential program is necessary to provide special education to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the student.

6. For children ages three through five years, the school district is only financially responsible for the provision of special education and related services necessary for the child to benefit from special education.

Part III.

Policies and Procedures for Students Who are Gifted

Part III. Policies and Procedures for Students Who are Gifted

Section A: Exceptional Student Education Eligibility for Students who are Gifted

☐ This section is not applicable for the Department of Corrections.

Statutory and Regulatory Citations

Sections 1003.01 and 1003.57, F.S.
Rules 6A-6.03019 and 6A-6.030191, F.A.C.

Definition

A student who is gifted is one who has superior intellectual development and is capable of high performance.

Eligibility Criteria

A student is eligible for special instructional programs for the gifted from kindergarten through Grade 12 if the student meets the criteria under 1. or 2. below:

1. The student demonstrates:
    a. The need for a special program
    b. A majority of characteristics of gifted students according to a standard scale or checklist
    c. Superior intellectual development as measured by an intelligence quotient of two standard deviations or more above the mean on an individually administered standardized test of intelligence
2. The student is a member of an underrepresented group and meets the criteria specified in an approved school district plan for increasing the participation of underrepresented groups in programs for students who are gifted. Underrepresented groups are defined in Rule 6A-6.03019, F.A.C. as students with limited English proficiency or students from low socio-economic status families.

Additional Information:

◉ The school district has a plan for increasing the participation of underrepresented groups in programs for gifted students. The plan is provided in Appendix C of this document.

○ The school district does not have a plan for increasing the participation of underrepresented groups in programs for gifted students.

Student Evaluation

1. The minimum evaluations for determining eligibility address the following:
    a. Need for a special instructional program
    b. Characteristics of the gifted
    c. Intellectual development
    d. May include those evaluation procedures specified in an approved district plan to increase the participation of students from underrepresented groups in programs for the gifted
2. Evaluations and qualified evaluators for students who are gifted are listed in Part I of this document.

Temporary Break in Service

The team developing the Educational Plan (EP) may determine that a student's needs may currently be appropriately met through other academic options. The parent or student may indicate that they do not desire service for a period of time. Should the decision be made to waive the services offered on the current educational plan, the student may resume service at any time.

Unique Philosophical, Curricular, or Instructional Considerations

1. Philosophy
    a. Each student identified as being eligible for gifted services is entitled to receive a free appropriate public education which will enable the student to progress in the general curriculum to the maximum extent appropriate.
    b. Specially designed instruction, appropriate related services, and programs for students who are gifted shall provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual and unique needs and goals of each student who is gifted.
    c. A range of service delivery options is available to meet the student's special needs. Teachers are trained to provide the unique services identified for each student and are provided with administrative support to ensure reasonable class size, adequate funds for materials and inservice training.
2. Curriculum
    a. Curriculum options include an effective and differentiated curriculum designed for the abilities of the student who is gifted to ensure that each individual student progresses in the curriculum.
    b. The curriculum may include, but is not limited to, opportunities for problem solving, problem-based learning, application of knowledge and skills, and other effective instructional strategies.
    c. The teachers of the students who are gifted are trained to provide a curriculum based on the educational characteristics and needs of the learner who is gifted.
    d. Curriculum for each student will be determined by the EP and will focus on the performance levels for the student and needs for developing further skills and abilities, recognizing opportunities to extend the present program through appropriate scaffolding for students who are gifted.
    e. The curriculum for the student who is gifted will assume access to the general curriculum (State standards) with emphasis on what the EP team determines will offer opportunities for growth for the learner who is gifted based on the student's strengths and present level of performance.
3. Instructional support
    a. Students identified as eligible for gifted services receive instructional support through the specially designed instruction and related services as determined through the development of the EP.
    b. Teachers of the students who are gifted provide instruction and support to further develop the student's demonstrated ability.
    c. Teachers are provided with administrative support to develop an individualized program to meet the goals for each student as determined by the EP.
    d. Students who are gifted may indicate a need for special counseling and guidance in understanding their special characteristics.
    e. Support services are provided in coordination with local school district student services and community agencies, the Florida Diagnostic and Learning Resources System associate centers, special projects funded by the Bureau of Exceptional Education and Student Services, and other agencies of state and local government.
    f. No student may be given special instruction for students who are gifted until after he or she has been properly evaluated and found eligible for gifted services.

The school district has the option to include additional information regarding evaluations, qualified evaluators, or unique philosophical, curricular, or instructional considerations for students who are gifted.

○ The school district has provided additional information for this section in **Appendix B** of this document.

◉ There is no additional information for this section.

Part III. Policies and Procedures for Students Who are Gifted

Section B: Educational Plans for Students who are Gifted

Statutory and Regulatory Citation

Sections 1001.02, 1003.01, and 1003.57, F.S.
Rule 6A-6.030191, F.A.C.

Procedures

1. The district is responsible for developing Educational Plans (EPs) for students who are identified solely as gifted.

   Note: Individual Educational Plans (IEPs) rather than EPs are developed for those students who are gifted and are also identified as having a disability.

   a. The EP includes:
      - A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results
      - A statement of goals, including benchmarks or short-term objectives
      - A statement of the specially designed instruction to be provided to the student
      - A statement of how the student's progress toward the goals will be measured and reported to the parents
      - The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

   b. The EP team considers the following during development, review, and revision of the EP:
      - The strengths of the student and the needs resulting from the student's giftedness
      - The results of recent evaluations, including class work and state or district assessments
      - In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

   c. Timelines for development of the EP include the following:
      - An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.
      - An EP is developed within 30 calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.
      - Meetings are held to develop and revise the EP at least once every three years for students in Grades K–8 and at least every four years for students in Grades 9–12.
      - EPs may be reviewed more frequently, as needed, such as when a student transitions from elementary to middle school or from middle to high school.

   d. EP participants include:
      - The parents, whose role includes providing information on the student's strengths, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
      - At least one teacher of the gifted program
      - One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written

documentation of a student's strengths and needs for review and revision of the subsequent EPs

- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school district; at the discretion of the district, one of the student's teachers may be designated to serve as the representative of the district
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher, or a representative of the school district as described above
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note**: The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

2. Parent participation in EP meetings

   The district takes the following steps to ensure that one or both of the parents of a student identified as gifted is present or provided the opportunity to participate at EP meetings:

   a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend

   b. Scheduling the meeting at a mutually agreed on time and place

      i. A written notice to the parent indicates the purpose, time, location of the meeting, and who, by title or position, will be in attendance. It also includes a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls.

      ii. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district maintains a record of its attempts to arrange a mutually agreed on time and place. These records include such items as:

         - Detailed records of telephone calls made or attempted and the results of those calls
         - Copies of correspondence sent to the parents and any responses received
         - Detailed records of visits made to the parent's home or place of employment and the results of those visits

      iii. The district takes whatever action is necessary to ensure that the parent understands the proceedings at the meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. A copy of the EP shall be provided to the parent at no cost.

3. Implementation of the EP

   a. An EP is in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting.

   b. The EP is accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the EP.

One of the following must be selected:

◉ I have read and understand the above information.

○ This section is not applicable for the Department of Corrections.

Part IV

Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities

Section A: Provision of Equitable Services to Parentally-Placed Private School Students with Disabilities

Statutory and Regulatory Citations

34 CFR §§300.130–300.144
Rule 6A-6.030281, F.A.C.

Definition

Parentally-placed private school students with disabilities means students with disabilities enrolled by their parents in private, including religious, **non-profit** schools or facilities that meet the definition of elementary school or secondary school under rules 6A-6.03011 through 6A-6.0361, F.A.C., and does not include students with disabilities who are or have been placed in or referred to a private school or facility by the school district as a means of providing special education and related services. This definition does not include students with disabilities enrolled by their parents in **for-profit** private schools.

Procedures

1. Policies and procedures for parentally-placed private school students with disabilities

   The school district will maintain policies and procedures to ensure the provision of equitable services to students with disabilities who have been placed in private schools by their parents.

2. Child find for parentally-placed private school students with disabilities

   The school district will locate, identify, and evaluate all students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction. The child find process will be designed to ensure the equitable participation of parentally-placed private school students and an accurate count of those students.

   a. Activities

      In carrying out the requirements of this section, the school district will undertake activities similar to the activities undertaken for the school district's public school students.

   b. Cost

      The cost of carrying out the child find requirements, including individual evaluations, may not be considered in determining if the school district has met its obligation.

   c. Completion period

      The child find process will be completed in a time period comparable to that for other students attending public schools in the school district.

   d. Out-of-state students

      The school district in which private, including religious, elementary and secondary schools are located will, in carrying out the child find requirements, include parentally-placed private school students who reside in a state other than Florida.

3. Confidentiality of personally identifiable information

   If a student is enrolled, or is going to enroll, in a private school that is not located in the school district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the school district where the private school is located and officials in the school district of the parent's residence.

4. Provision of services for parentally-placed private school students with disabilities – basic requirement

   To the extent consistent with the number and location of students with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, provision is made for the participation of those students in the program assisted or carried out under Part B of IDEA by providing them with special education and related services,

including direct services determined in accordance with 12. and 13. below, unless the U.S. Secretary of Education has arranged for services to those students under the by-pass provisions in 34 CFR §§ 300.190 through 300.198.

a. Services plan for parentally-placed private school students with disabilities

A services plan will be developed and implemented for each private school student with a disability who has been designated by the school district in which the private school is located to receive special education and related services.

b. Record keeping

The school district will maintain in its records, and provide to the Florida Department of Education (FDOE), the following information related to parentally-placed private school students covered:

- The number of students evaluated
- The number of students determined to be students with disabilities
- The number of students served

5. Expenditures

To meet the requirements, the school district will spend the following on providing special education and related services (including direct services) to parentally-placed private school students with disabilities:

a. For children and students aged three through 21, an amount that is the same proportion of the school district's total subgrant under Section 611(f) of IDEA as the number of private school students with disabilities aged three through 21 who are enrolled by their parents in private, including religious, elementary, and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through twenty-one (21).

b. For children aged three through five years, an amount that is the same proportion of the school district's total subgrant under Section 619(a) of IDEA as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district's jurisdiction, is to the total number of students with disabilities in its jurisdiction aged three through five.

c. Children aged three through five years are considered to be parentally-placed private school students with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school under Florida law.

d. If the school district has not expended for equitable services all of the funds described in paragraphs a) and b) above by the end of the fiscal year for which Congress appropriated the funds, the school district will obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school students with disabilities during a carry-over period of one additional year.

6. Calculating proportionate amount

In calculating the proportionate amount of federal funds to be provided for parentally-placed private school students with disabilities, the school district, after timely and meaningful consultation with representatives of private schools, will conduct a thorough and complete child find process to determine the number of parentally-placed students with disabilities attending private schools located in the school district. (See Appendix B to IDEA regulations for an example of how proportionate share is calculated)

7. Annual count of the number of parentally-placed private school students with disabilities

The school district will, after timely and meaningful consultation with representatives of parentally-placed private school students with disabilities, determine the number of parentally-placed private school students with disabilities attending private schools located in the school district and ensure that the count is conducted on any date between October 1 and December 1, inclusive, of each year. The count

will be used to determine the amount that the school district will spend on providing special education and related services to parentally-placed private school students with disabilities in the next fiscal year.

8. Supplement, not supplant

   State and local funds may supplement and in no case supplant the proportionate amount of federal funds required to be expended for parentally-placed private school students with disabilities.

9. Consultation with private school representatives

   To ensure timely and meaningful consultation, the school district will consult with private school representatives and representatives of parents of parentally-placed private school students with disabilities during the design and development of special education and related services for the students regarding the following:

   a. The child find process, including how parentally-placed private school students suspected of having a disability can participate equitably and how parents, teachers, and private school officials will be informed of the process

   b. The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities, including the determination of how the proportionate share of those funds was calculated

   c. The consultation process among the school district, private school officials, and representatives of parents of parentally-placed private school students with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed students with disabilities identified through the child find process can meaningfully participate in special education and related services

   d. Provision of special education and related services; how, where, and by whom special education and related services will be provided for parentally-placed private school students with disabilities, including a discussion of:

      - The types of services, including direct services and alternate service delivery mechanisms
      - How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students
      - How and when those decisions will be made

   e. How, if the school district disagrees with the views of private school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district will provide to such private school officials a written explanation of the reasons why the school district chose not to provide services directly or through a contract

10. Written affirmation

    When timely and meaningful consultation has occurred, the school district will obtain a written affirmation signed by the representatives of participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the school district will forward the documentation of the consultation process to FDOE.

11. Compliance

    A private school official has the right to submit a complaint to the FDOE that the school district did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the official will provide to FDOE the basis of the noncompliance by the school district with the applicable private school provisions, and the school district will forward the appropriate documentation to FDOE. If the private school official is dissatisfied with the decision of FDOE, the official may submit a complaint to the U.S. Secretary of Education by providing the information on noncompliance, and FDOE will forward the appropriate documentation to the U.S. Secretary of Education.

12. Equitable services determined

    a. No parentally-placed private school student with a disability has an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school.

    b. Decisions about the services that will be provided to parentally-placed private school students with disabilities will be made in accordance with the information in this section.

    c. The school district will make the final decisions with respect to the services to be provided to eligible parentally-placed private school students with disabilities.

13. Services plan for each student served

    a. If a student with a disability is enrolled in a religious or other private school by the student's parents and will receive special education or related services from the school district, the school district will initiate and conduct meetings to develop, review, and revise a services plan for the student and ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the school district will use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.

    b. Each parentally-placed private school student with a disability who has been designated by the school district to receive services will have a services plan that describes the specific direct special education services that the school district will provide to the student in light of the services that the school district has determined it will make available to parentally-placed private school students with disabilities.

    c. The services plan will be developed, reviewed, and revised consistent with the requirements for IEP development, review, and revision.

14. Equitable services provided

    a. The provision of equitable services will be by employees of the school district or through contract by the school district with an individual, association, agency, organization, or other entity.

    b. The services provided to parentally-placed private school students with disabilities will be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary and secondary school teachers who are providing equitable services to parentally-placed private school students with disabilities do not have to meet the highly qualified special education teacher requirements under Florida law.

    c. Parentally-placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

    d. Special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, will be secular, neutral, and non-ideological.

15. Location of services and transportation

    a. Equitable services to parentally-placed private school students with disabilities may be, but are not required to be, provided on the premises of private, including religious, schools.

    b. If necessary for the student to benefit from or participate in the services, a parentally-placed private school student with a disability will be provided transportation from the student's school or the student's home to a site other than the private school and from the service site to the private school, or to the student's home, depending on the timing of the services.

    c. The school district is not required to provide transportation from the student's home to the private school.

    d. The cost of any transportation provided under this section may be included in calculating whether the school district has expended its proportionate share.

16. Due process hearings and procedural safeguards

    a. Except as provided herein, the procedures related to procedural safeguards, mediation, and due process hearings do not apply to complaints that the school district has failed to meet the requirements in this section, including the provision of services indicated on the student's services plan. However, such procedures do apply to complaints that the school district has failed to meet the requirements related to child find, including the requirements related to conducting appropriate evaluations of students with disabilities.

    b. Any request for a due process hearing regarding the child find requirements will be filed with the school district in which the private school is located and a copy will be forwarded to FDOE.

17. State complaints

    a. Any complaint that the school district has failed to meet the requirements related to the provision of equitable services, services plans, expenditures, consultation with private school representatives, personnel, or equipment and supplies will be filed in accordance with the state complaint procedures described in rules 6A-6.03011 through 6A-6.0361, F.A.C.

    b. A complaint filed by a private school official under this section will be filed with FDOE in accordance with its state complaint procedures as prescribed in Rule 6A-6.03311, F.A.C.

18. Requirement that funds not benefit a private school

    a. The school district will not use funds provided under IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school.

    b. The school district will use funds provided under Part B of IDEA to meet the special education and related services needs of parentally-placed private school students with disabilities, but not for the needs of a private school or the general needs of the students enrolled in the private school.

19. Use of personnel

    a. The school district may use funds available under IDEA to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school students with disabilities if those services are not normally provided by the private school.

    b. The school district may use funds available under IDEA to pay for the services of an employee of a private school to provide equitable services if the employee performs the services outside of his or her regular hours of duty and the employee performs the services under public supervision and control.

20. Separate classes prohibited

    The school district will not use funds available under IDEA for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and the classes include students enrolled in public schools and students enrolled in private schools.

21. Property, equipment, and supplies

    a. The school district will control and administer the funds used to provide special education and related services and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in this section.

    b. The school district may place equipment and supplies in a private school for the period of time needed for the provision of equitable services.

    c. The school district will ensure that the equipment and supplies placed in a private school are used only for IDEA purposes and can be removed from the private school without remodeling the private school facility.

    d. The school district will remove equipment and supplies from a private school if the equipment and supplies are no longer needed for IDEA purposes or removal is necessary to avoid unauthorized use of the equipment and supplies for other than IDEA purposes.

e. No funds under IDEA will be used for repairs, minor remodeling, or construction of private school facilities.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section B: John M. McKay Scholarships for Students with Disabilities Program

Statutory and Regulatory Citations

Sections 1002.01, 1002.39, 1002.43, 1002.66, and 1003.21, F.S.

Definition

The John M. McKay Scholarships for Students with Disabilities Program provides the option for students with an IEP or an accommodation plan issued under Section 504 of the Rehabilitation Act (excluding a temporary accommodation plan which is valid six months or less) to attend a public school other than the one to which the student is assigned or to receive a scholarship to a participating private school of choice.

Eligibility Criteria

1. The parent of a student with a disability may request and receive from the state a McKay Scholarship for the student to enroll in and attend a private school if:
    a. The student has received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued
    b. The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind (FSDB). Prior school year in attendance means that the student was enrolled and reported by one of the following:
        - A school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through Grade 12, which shall include time spent in a Department of Juvenile Justice (DJJ) commitment program if funded under the FEFP
        - The FSDB during the preceding October and February student membership surveys in kindergarten through Grade 12
        - A school district for funding during the preceding October and February FEFP surveys, was at least four years old when so enrolled and reported, and was eligible for services under s. 1003.21, F.S.

        Note: A dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.

        Additionally a foster child is exempt from the previous requirements but must meet all other eligibility requirements to participate in the program.
    c. The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has requested a scholarship from the department at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the FDOE in a manner that creates a written or electronic record of the request and the date of receipt of the request. FDOE must notify the district of the parent's intent upon receipt of the parent's request.
2. A student is not eligible for a John M. McKay Scholarship while:
    a. Enrolled in a school operating for the purpose of providing educational services to youth in DJJ commitment programs;
    b. Receiving an educational scholarship in accordance with Chapter 1002, F.S.;

c. Participating in a home education program as defined in s. 1002.01, F.S.;

d. Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation, unless the participation is limited to no more than two courses per school year;

e. Participating in a private tutoring program in accordance with s. 1002.43, F.S.;

f. Enrolled in the FSDB; or

g. Not having regular and direct contact with his or her private school teachers at the school's physical location, unless that student is participating under the Transition to Work Program within the private school.

Procedures

1. The amount of the scholarship is calculated based on the student's matrix of services document or the amount of the private school's tuition and fees, whichever is less.
2. For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.
3. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a DJJ detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.
4. Upon reasonable notice to the FDOE and the school district, the student's parent may remove the student from the private school and place the student in a public school.
5. Upon reasonable notice to the FDOE, the student's parent may move the student from one participating private school to another participating private school.

School District Obligations

1. Notifying parents of students with disabilities about the scholarship program by April 1 of each year and within 10 days after an IEP team meeting or a 504 accommodation plan is issued.
2. Informing parents of the availability of the Information Hotline and School Choice website.
3. Offering parents an opportunity to enroll their student in another public school within their district.
4. Keeping all district contact information up-to-date with the FDOE, which can be done through the http://www.floridaschoolchoice.org website when logged in as a district administrator.
5. Submitting an annual Parental Notification Verification Form to the FDOE in the spring of each school year.
6. Notifying parents, within 10 days of filing intent, if a matrix has not been completed, and informing parents that the required matrix completion date is 30 days after a filed intent.
7. For a student with a disability who does not have a matrix of services, completing a matrix of services within 30 days of the parent's filed intent date that assigns the student to one of the three levels of service.

   Note: Changes in a matrix of services document may be made only for a technical, typographical, or calculation error.
8. Providing locations and times, if requested, for any McKay Scholarship student attending a private school within the district to take statewide assessment exams.
9. Providing reevaluation notifications to parents of scholarship students at least once every three years.
10. Confirming that scholarship students have not enrolled in public school by completing the District Enrollment Verification files quarterly prior to scholarship.
11. Reporting students who receive McKay Scholarship funding as **3518**, which designates them as McKay private school students on the full-time equivalent (FTE) survey.

12. Notifying the FDOE if a student enrolls in public school, is registered as a home education student, or is committed to a DJJ commitment program for more than 21 days.
13. Providing transportation to the public school if the parent's choice is consistent with the district's school choice plan.
14. Accepting a McKay student from an adjacent district if there is space available and there is a program with the services agreed to in the individual educational plan or 504 accommodation plan that is already in place.

Part IV. Policies and Procedures for Parentally-Placed Private School Students with Disabilities
Section C: Gardiner Scholarship Program

Statutory and Regulatory Citation

Chapter 1005, Part III, F.S.
Sections 393.063, 393.069, 456.001, 1002.01, 1002.21, 1002.385, 1002.395, 1002.66 and 1005.02, F.S.

Definition

The Gardiner Scholarship provides the option for a parent to better meet the individual educational needs of an eligible child.

- The following are defined as they relate to the Gardiner Scholarship:
    - "Approved provider" means a provider who has been approved by the Agency for Persons with Disabilities, a health care practitioner pursuant to s. 456.001(4), F.S., or a provider approved by the department pursuant to s. 1002.66, F.S.
    - "Curriculum" means a complete course of study for a particular content area or grade-level, which includes any required supplemental materials.
    - "Department" means the FDOE.
    - "Disability" means, a three- or four- year old child or for a student in kindergarten to Grade 12, and any of the following:
        - Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, as defined in s. 393.069, F.S.;
        - Cerebral Palsy, as defined in 393.063, F.S.;
        - Down Syndrome, as defined in s.393.063, F.S.;
        - Intellectual Disability, as defined in s.393.063, F.S.;
        - Prader-Willi syndrome, as defined in s. 393.063 , F.S.;
        - Spina bifida, as defined in s. 393.063, F.S.;
        - For a student in kindergarten, being a high-risk child, as defined in 393.063, F.S.;
        - Muscular dystrophy;
        - Williams Syndrome;
        - Rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
        - Anaphylaxis;
        - Deaf;
        - Visually impaired;
        - Traumatic brain injured;
        - Hospital or homebound as defined by Rule 6A-6.03020, F.A.C.; or
        - Identification as having a dual sensory impairment according to Rule 6A-6.03022, F.A.C., and evidenced by reports from the local school district.
    - "Eligible" to receive a Gardiner Scholarship means that the student:
        - Is a resident of this state;

- Is or will be three or four years on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through Grade 12 in a public school in the state;
- Is the subject of an IEP written in accordance with rules of the State Board of Education or has received a diagnosis of a disability as defined below from a physician who is licensed under Chapter 458 or Chapter 459 or a psychologist who is licensed in this state.
- Has a disability as defined above.

- "Eligible nonprofit scholarship-funding organization" as defined in 1002.395, F.S.
- "Eligible postsecondary institution" means any of the following:
  - Florida College System institution;
  - State university;
  - School district technical center;
  - School district adult general education center; or
  - An accredited nonpublic postsecondary educational institution, as defined in s. 1005.02, F.S., that is licensed to operate in the state pursuant to requirements specified in Part III of Chapter 1005, F.S.
- "Eligible private school" means a private school, pursuant to s. 1002.01, F.S. that is located in Florida and offers an education to students in any grade from kindergarten to Grade 12.
- "IEP" means an individual education plan.
- "Inactive" means that no eligible expenditures have been made from an account funded by the Gardiner Scholarship.
- "Parent" means a resident of this state who is a parent, as defined in s. 1002.21, F.S.
- "Program" means the Gardiner Scholarship Program.

School District's Obligations and Parental Options

- Include the following:
  - The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request;
  - The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receiving notice of the parent's request in accordance with State Board of Education rules;
  - Provide for state assessments to students, upon parental request.

Part V.
Appendices

Part V. Appendices

Appendix A: General Policies and Procedures

One of the following must be selected:

Procedural Safeguards for Students with Disabilities:

- (•) The Florida Department of Education's Notice of Procedural Safeguards for Parents of Students with Disabilities, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students with disabilities, included as an attachment.

One of the following must be selected:

Procedural Safeguards for Students Who Are Gifted:

- (•) The Florida Department of Education's Procedural Safeguards for Exceptional Students Who Are Gifted, as posted on the department's website.
- ( ) A different notice of procedural safeguards for parents of students who are gifted, included as an attachment.
- ( ) This requirement is not applicable for the Department of Corrections.

Part V. Appendices

Appendix B: Unique Philosophical, Curricular, or Instructional Considerations

The school district has included as an attachment additional information related to evaluations; qualified evaluators; or philosophical, curricular, or instructional considerations for the exceptionalities identified below:

II.B.1 Autism Spectrum Disorder

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.2 Deaf or Hard-of-Hearing

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.3 Developmentally Delayed

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.4 Dual-Sensory Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.5 Emotional or Behavioral Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.6 Established Conditions

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.7 Homebound or Hospitalized

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.8 Intellectual Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.9 Orthopedic Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.10 Other Health Impairment

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.11 Traumatic Brain Injury

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.12 Specific Learning Disabilities

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.13 Speech Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.14 Language Impairments

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.15 Visually Impaired

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.16 Related Services – Occupational Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.B.17 Related Services – Physical Therapy

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.C. Individual Educational Plans (IEPs)

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

II.F. Prekindergarten Children with Disabilities

☐ Evaluations

☐ Qualified Evaluators

☑ Unique Philosophical, Curricular or Instructional Considerations

III.A. Gifted

☐ Evaluations

☐ Qualified Evaluators

☐ Unique Philosophical, Curricular or Instructional Considerations

Appendix B

II.F Prekindergarten Children with Disabilities

Unique Philosophical, Curricular or Instructional Considerations

It is during the preschool years from birth to age 5 that a foundation is laid for all subsequent learning. These are the years in which a child learns to relate to his environment, to communicate with others, and to move through the world independently.

For most children, the task of learning to function effectively in the world is a natural process; however, for some, this task is more formidable. The preschool years are especially critical for children with disabilities. The School Board of Broward County, Florida realizes the importance of these preschool years, and has developed a number of programs for preschool children with special needs. Parent education is one of the keys to effective early identification and appropriate intervention. Early intervention provides opportunities which maximize the strengths of each child. Training provides children with the extra stimulation, learning opportunities, and peer contact needed for future school success. Parent education workshops, parent teacher conferences, home visits, parent participation in the classrooms and parent support groups are all components of programs for prekindergarten students with disabilities.

1. The Creative Curriculum for Early Childhood serves as the structure for the classroom environment and the large and small group instruction reflected in the daily schedule for the majority of ESE preschool students. Let's Begin with the Letter People is the curriculum in ESE specialized preschool classrooms to enhance the students' oral language performance and emerging literacy skills. Emphasis is placed on increasing vocabulary and comprehension, letter and sounds recognition and concepts of print. Skillstreaming in Early Childhood is a social skills program used in the classroom.
2. The Teaching Strategies Gold (TS Gold) is being used as an ongoing observation-based authentic assessment. TS Gold assesses the social/emotional, physical, cognitive and language development. Information for the present level of performance on the student's IEP can be obtained from TS Gold and appropriate goals and objectives are developed based on the student's performance.
3. Preschool students with an eligibility of autism or have learning characteristics similar to young children with autism participate in a researched based structured teaching approach based on Project TEACCH (Treatment and Education of Autism & related Communication- handicapped Children) and the STAR (Strategies for Teaching based on Autism Research) Autism Program which teaches children with autism the critical skills identified by the 2001 National Research Council, The ABA (Applied Behavior Analysis) instructional methods of discrete trial training, pivotal response training and functional routines form the instructional base of this comprehensive program for children with autism. The STAR Program includes detailed lesson plans, teaching materials, data systems and a curriculum-based assessment for teaching in the six curricular areas of receptive language, expressive language, spontaneous language, functional routines, academics, and play & social skills. Additionally, data is collected on individual learning goals on student's IEPs that relate to the basic skills such as attending to tasks, which must be mastered prior to accessing the Florida Standards.
4. Training for preschool classroom teachers is highly prescriptive for new teachers so that all teachers are provided training in building the learning environment, implementing the curriculum, linking curriculum to assessment, and effective behavioral interventions. Trainings may be delivered on early release and employee planning days. Returning teachers are provided more advanced training options in areas such as positive behavioral supports, Picture Exchange Communication System and BoardMaker to visually engineer the classroom.

There are a variety of programs available for prekindergarten ESE students both in the school district and in community agency preschooi ESE contracted sites. Variables distinguishing one program from another include: staff credentials and training, physical environment, instructional strategies, curriculum scope and sequence, pacing/presentation of instruction, prompting requirements, and adult/student ratios.

Programs unique to prekindergarten students include:

Specialized Preschool ESE class is language based, emphasizing problem solving, discovery learning and receptive and expressive language development. Students follow a daily routine similar to the schedules followed in developmentally appropriate preschool programs for three to five year old children. The classroom is a well organized, clearly defined environment that is arranged to promote independence, foster decision-making

and encourage initiative and involvement. Program provides an education for children, ages three to five years of age, who function in the mildly handicapped range. The characteristics of the program include:

- family education, support and assistance
- receptive and expressive language development
- multisensory stimulation
- cognitive and pre-academic development
- increasing social competence
- behavior management
- active play

Intensive preschool ESE class is a full time, classroom program for preschool children, ages three to five (not kindergarten eligible) with autism or a related disorder. Teachers have experience in or are provided training in autism. This program uses nationally recognized instructional strategies developed for preschool autistic learners. A direct instruction program methodology based upon the principals of applied behavioral analysis is used. Both contextualized (embedded) and decontextualized discrete trials are implemented throughout the day. A structured teaching design utilizing individual visual schedules, data based procedures, individually selected motivators, and a variety of prompting procedures are critical program components; along with augmentative communication systems such as the Picture Exchange Communication System (PECS).

Integrated program for preschool children with disabilities with typical preschoolers; these are classes which serve children with and without disabilities in the same classroom. Preschool ESE children benefit from instruction with typical preschool children, as they acquire the means to communicate and develop social skills to interact with their non-disabled peers. Communication competence and socialization are primary goals for these youngsters. These goals may be more easily attained with classmates who have age appropriate speech, language, and social skills. The typical preschoolers also benefit from their experiences in the ESE classrooms. These students grow in self-esteem and pre-academic skill acquisition by serving as role models for the preschool children in the ESE programs.

Speech and language preschool programs offers educational and consultative services for children with speech and language impairments from three to five years of age, in individual or group therapy session for fluency, voice, intelligibility, and language. The program also provides suggestions for parent-child activities in the home setting.

Part V. Appendices

Appendix C: District Plan to Increase the Participation of Underrepresented Students in the Program for Students who are Gifted

☐ This section is not applicable for the district.

Current Status

Provide the following data:

Total Student Population

Total Number of Students

266,723

Total Number of Gifted Students

12,714

Percent of All Gifted Students

4.77%

Limited English Proficient (Limited English proficient students are those who are coded as "LY," "LN," "LP," or "LF")

Total Number of LEP Students

45,821

Number of LEP Gifted Students

538

Percent of LEP Gifted Students

1.17%

Percentage of LEP Gifted Compared to Total Number of Gifted Students

4.23%

*In order to calculate the "Percentage of LEP Gifted Compared to Total Number of Gifted Students," divide the number of LEP gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

Low Socio-Economic Status (SES) Family

Number of low SES Students

153,703

Number of low SES Gifted Students

4,329

Percent of low SES Gifted Students

2.82%

Percentage of low SES Gifted Compared to Total Number of Gifted Students

34.05%

*In order to calculate the "Percentage of SES Gifted Compared to Total Number of Gifted Students," divide the number of SES gifted students by the total number of gifted students in the district and move the decimal point two numbers to the right.

**Percentage of students who are gifted equals the number of students who are gifted within a category divided by the total number of students within that category.

District Goal

Provide the district's goal to increase the participation of students from underrepresented groups in programs for students who are gifted, including the targeted category(ies).

Broward County's district goal is to increase the number of underrepresented gifted students by 2%

The district's plan addressing each of the following areas is included as an attachment

1. **Screening and Referral Procedures**
   - A description of the screening and referral procedures that will be used to increase the number of students referred for evaluation
2. **Student Evaluation Procedures**
   - A description of the evaluation procedures and measurement instruments that will be used
3. **Eligibility Criteria**
   - A description of the criteria, based on the student's demonstrated ability or potential in the specific areas of leadership, motivation, academic performance, and creativity, that will be applied to determine the student's eligibility; if a matrix is used when determining eligibility, a copy is included as an attachment
4. **Instructional Program Modifications or Adaptations**
   - A description of the instructional program modifications or adaptations that will be implemented to ensure successful and continued participation of students from under-represented groups in the existing instructional program for students who are gifted
5. **District Evaluation Plan**
   - A description of the district's plan used to evaluate its progress toward increasing participation by students from under-represented groups in the program for students who are gifted

Part V. Appendices

Appendix D: District Policies Regarding the Allowable Use or Prohibition of Physical Restraint and Seclusion

☑ This section is not applicable for the district.

Select from the following:

☐ The school district's policy regarding the allowable use or prohibition of physical restraint of students with disabilities is included as an attachment.

☐ The school district's policy regarding the allowable use or prohibition of seclusion of students with disabilities is included as an attachment.

Part V. Appendices

Appendix E: Policies and Procedures Unique to Developmental Research (Laboratory) Schools

☑ This section is not applicable for the district.

Section 1002.32, Florida Statutes (F.S.), establishes the category of public schools known as developmental research (laboratory) schools (lab schools). In accordance with s. 1002.32(3), F.S., "The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning." Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. The exceptional education programs offered shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs (s. 1002.32(3)(e), F.S.).

Describe the exceptional education services available within the lab school:

Part V. Appendices

Appendix F: Best Practices in Inclusive Education (BPIE) Assessment

☐ This section is not applicable for the district.

Section 1003.57(1)(f), Florida Statutes, establishes the following requirement for school districts, "Once every three years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels."

☑ The district's completed **BPIE Indicator Rating Tally Sheet** is attached.

☑ The district's plan to address the prioritized BPIE Indicators is attached.

District BPIE
Indicator Rating Tally Sheet

District: Broward District Contact/Title: Dr. Antoine Hickman, Executive Director Date Completed: February 22, 2016

FIN Facilitators: Barbara Krakower, JaSheena Ekhator, Dayana Cadaya, Katie Kelly and Carolyn Lenger

BPIE Team Members:

Participant Name	Title/Role	Participant Name	Title/Role
1. Dr. Antoine Hickman	Executive Director	2. Sonja Clay	ESE Director
3. Dr. Mary Claire Mucenic	Director of Support Services	4. Daniel Gohl	Chief Academic officer
5. Saemone Hollingsworth	Intern Director	6. Gwen Lipscomb	Coordinator (FDLRS/FIN)
7. Dr. Leo Nesmith	Principal, The Quest Center	8. Dr. Charlene Grecsek	Coordinator, SEDNET
9. Terry Spurlock	Supervisor, DHH, VI,HH and Private Schools	10. Pamela Baron	Preschool
11. Andrea Ciotti	Curriculum Specialist, InD	12. Rhonda Said	District Coordinator
13. Lou Ruccolo	Specialist, Transition Services	14. Janice Koblick	Curriculum Specialist, SLD
15. Gary Grigull	Curriculum Specialist, ASD	16. Jennifer Gerschutz	CTACE, Curriculum Facilitator
17. Wendy Carroll	Parent (ACE)	18. Kelly Busch	Parent/President ACE Committee
19. Tara Rodger	EMS Manager	20. Diana Cruz	Coordinator, Due Process
21. Kathy Glus	AT Program Specialist	22. Pat Snell	Transportation
23. Christy Bradford	CTACE	24. Scott Dermer	Support Facilitator
25. Shaundas Knighton	ESE Specialist, Olsen Middle	26. Madeline Minichiello	Transportation-Route Manager
27. Vanessa Lopez	ESE Specialist, Coral Springs Middle	28. Denise Reed	Assistant Principal, Marjory Stoneman Douglas High
29. Mary Beth Butcher	ESE Program Specialist	30. Andrica Thomas	ESE Program Specialist
31. Bach Todaro	Parent		

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.
196 of 262
Exhibit 1

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
1. District analyzes data to identify barriers and initiate improvement steps that increase the number of students with low- and high-incidence disabilities in general education and natural contexts in every school.		PM		LEA Profile is reviewed annually to make decisions. Review of data for strategic planning is considered. This is not happening in every school. Team member indicated through their experience this did not occur at any of the previous schools her children attended.
2. District data reflects that in each school there is alignment to the natural proportion of SWDs in the district.		PA		Ratio of students with disabilities maintained at school. 95% of SWDs are served in general education at Falcon Cove MS. Team member expressed scheduling PD assured that natural proportions were considered during the process.
3. District provides SWDs with the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.		PM		No difficulties for students with disabilities to attend their school of choice. District is making 1 seat each for McKay Scholarship and reassignment at every school. District is opening more special programs at elementary schools particularly for Students with Autism. However, this is not yet at all elementary schools. A team member indicated her experience was not able to enroll her child with a disability in her home school. Another team member expressed her experience in which an opportunity was given for her middle school child with a disability was able to apply and was accepted to a magnet program.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
4. District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	X			Increasing the number of integrated sites across the district for SWDs in Pre-K settings. Parents often select other choices in Pre-K. There is a need for more integrated Pre-K classrooms and less self-contained classrooms. There are some low-incidence disabilities (i.e. D/HH) that may need a self-contained environment as indicated by a team member.
5. District-level administrators allocate special education units and resources to all schools and grade levels, based on student need and flexible models of service delivery, to facilitate best practices for inclusive education in every school.		PM		There are efforts in place (curriculum specialists have budget conversations) looking at specific schools by need. At a middle school level, never a problem to obtain additional resources (materials/personnel) based on student needs. At another middle school always a fight until the parent files due process. Low-incidence disabilities, the district pays above what students need but the district needs more funding. At our schools with specialized programs we have additional personnel. The history over the past 6 years - a billion dollars has been cut from the budget, limiting services to students with disabilities.
6. District has key personnel with expertise in inclusive best practices for all SWDs who oversee, coordinate, monitor and provide technical assistance (TA) for the implementation of best practices for inclusive education at the district and school levels.			X	At the district level staff that oversee specific areas share information with staff and parents. FDLRS and FIN staff support our schools and are amazing. ESE program specialists provide support. Invitation for professional development offerings are consistently disseminated to schools.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
7. District has key personnel with expertise in the MTSS and positive behavior intervention plans (PBIP) who provide ongoing professional development (PD) and TA to schools to ensure that students who need them receive multi-tiered behavior supports in general education classrooms and natural contexts.		PB		District leadership Team and Zone PAC Team provide oversight and PD (workshop and program specialist visit schools). There is a lot of online PD but a lack of support to schools to implement MTSS with fidelity. Schools cannot send all their staff to training to really understand the process and more training is needed or support at the schools. Some schools do not fall within the formula to receive a MTSS coach. Parent reports that behavior is a big issue leading to recommendations to center school and/or if students are receiving instruction on modified curriculum.
8. District data reflect that SWDs who have behavior support needs are not excluded from the general education classroom at a higher rate than their peers without disabilities.		PB		Community reports that students with disabilities are suspended but not documented as a suspension. Concern that student specific data on suspension may not be accurate. District does a good job of not sending students home (alternatives to suspension), but still a concern. Training and hands on assistance is needed to help school staff with behavioral issues.
9. District transportation policies and schedules indicate all SWDs arrive and leave schools and district facilities at the same time, in the same place and on the same buses as students without disabilities, unless otherwise stated in the student's IEP.			X	SWDs ride the bus with students without disabilities. A parent of a SWD who has special transportation needs reported that the special transportation has not been provided yet this school year.

Leadership and Decision-Making

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
10. District uses decision-making guidelines to ensure schools transition all SWDs from grade to grade, school to school and district to district to maintain placement in the least restrictive environment.		PM		District created a Matriculation manual to address students transitioning and provides best practices for school administrators in addressing students with disabilities. ESE Program specialists review students transitioning from grades 5-6 or 8-9. Students on the McKay Scholarship do not always have the best support with transitioning to other grade levels. If students are not starting out in the least restrictive environment they may not be considered for a least restrictive environment during the transition process.
11. All district departments and schools use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and best practices for inclusive education, as applicable to the position.	X			If jobs are not specific to inclusion, questions addressing inclusion are minimum. This goes back to training on inclusive practices, sensitivity. ESE department does, but not all districts or schools. School perspective, may be different. Accountability is needed to embed diversity and best practices for inclusive education type of questions.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
12. District data reflect that SWDs receive most, if not all, of their education and related services in age- and grade-appropriate general education classes, regardless of the type or severity of their disability.			X	Students enrolled in SVE classes are going into general education electives, most of our students with disabilities are in general education. Every effort according to LEA profile is to get our students in the general education classes. Indicator 5C is being analyzed and we have not met this target. We are analyzing data and working hard to improve the trajectory of our students who are in the separate environment to be included in the general education class.
13. District and school leaders receive ongoing and current information and professional development about best practices for inclusive education for all SWDs.		PA		Training is provided not sure if everyone is attending. State online courses are provided for the 20 hours in ESE. Meetings by zone are happening many conversations do occur to improve on our practices. We provide opportunities for school leaders and personnel to attend professional development. Trainings are provided but sometime individuals at schools are not released to attend. ZPAC meetings are held covering topics on-RTI, MTSS and share best practices. These meetings are held virtually. A representative from every school usually attends. Sub cadre meetings are also held through covering various subjects. Team member shared face to face meetings on best practices will also be beneficial to increase the best practices for Inclusive Education. Team member expressed a need for more Support Facilitation PDs.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
14. District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.		PB		Technical assistance is provided in AT but not always implemented. AT technical assistance is happening in some of schools but not happening consistently Ongoing modeling needs to occur. Team member also expressed a lack of evidence in understanding of IEP goals in professional development offered to teachers.
15. District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.		PB		Flexible scheduling and school leaders have not been provided consistent PD on the scheduling process. Scheduling issues will be alleviated if support was ongoing. Scheduling assistance needs to be provided through a job-embedded approach. Team member expressed going through the scheduling process with FIN Facilitator and it was an excellent professional development but not sure if additional schools participated in the PD. The goal is to provide more PD on the scheduling process.
16. District provides PD and TA to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional *and* behavioral interventions for all SWDs in general education and natural contexts.		PM		A variety of tools and assessments are being analyzed. Hard to get district-wide data for schools to access for analysis. Opportunities are there for training for school teams. Team member expressed "The literacy coach has implemented the analyzing of data at our school." Collection of data is being done but the analyzing of data is not there and what to do with it through a systems approach.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
17. District provides ongoing, job-embedded, collaborative PD and TA to school-based personnel to implement best practices for inclusive education, including instruction and assessment for all SWDs based on the Florida Standards.		PM		The sub-cadre meetings are in place with various departments. We need to work on teacher education-experienced teachers are missing out on new education. Opportunities are there at the district level for training Some of complex learners need more PD opportunities since they are not recent graduates trained on new approaches to learning. Paraprofessionals have not been included in most of the trainings in which they spend most of the time with children.
18. District facilitates and supports access to AT, including augmentative and alternative communication (AAC) devices, as determined by the assessed need of SWDs for meaningful learning, participation and communication in general education and natural contexts.			X	There are supports in place and Program Specialists are in schools to review needs of students who need AT devices. We have supports in the school. Team member expressed, "My child has always received his devices." We still have schools that do not reach out to us who may need AT and AAC devices. Schools are not aware of all of the AT and AAC devices available. As a division we do fully facilitate the process but schools do not access what is always readily available to them. District also uses suggestions recommended by all stakeholders to always improve the process.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
19. District provides job-embedded, collaborative PD and TA on the use and integration of AT (including AAC) to special and general education teachers, instructional support personnel and family members at all schools.		PM		We hear from parents quite often and from the Evergreen Task force meeting. A team member expressed her child's teacher had a lack of understanding how to use a device provided by the district. In reference to the Evergreen report-there are AT contacts in every school to expedite the process of students receiving AAC and AT devices. A team member also expressed training for parents and staff is provided in order to understand how to use their AT devices. Procedures in place provided by the district. District tries to support all schools in this process.
20. District has data that reflect an increasing number of students with low-incidence disabilities and/or receiving instruction through the access points are educated in general education classes, with supplementary aids, services, and curricular modifications as stipulated in student IEPs.		PB		We are beginning to work on this, there are teachers struggling to teach students who have significant cognitive disabilities and needs. Parent expressed that most middle schools visited that you are either SVE or in a more restrictive setting. Most students regardless of their disability should be taught in general education. Team member expressed the increase in phone calls from high schools on how to include students in the general education classroom with more significant needs. CTACE collaborated with the ESE department on how to include students with disabilities through implementing accommodations and modifications in accordance with Senate Bill 850.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
21. District data reflect that SWDs receive supplemental supports and services in order to participate in all school and district extracurricular activities.		PM		At one high school, the homecoming queen was a student with a disability, Team member expressed at their school students are asked if they want to participate in extracurricular activities and aides are provided. Best Buddies also support our students with disabilities. Some team members were not sure if supports for SWDs after school hours were provided. Team also expressed that students with disabilities serve as cheerleaders and various clubs members, participate in field trips and other school activities. Team member indicated that interpreters are provided for SWDs at after school activities coordinated by the district. A student who is Visually Impaired is also going to be provided with supports from the district in assisting him on the track team for his after school activities.
22. District provides support and resources to schools to facilitate the development of positive, interdependent relationships among all students with and without disabilities in instructional and non-instructional general education and natural contexts.		PM		The district is doing a great job in collaborating with Peer Pal and Best Buddies. Training is also provided. Models in schools are needed to help with building positive interdependent relationships. District provides support in Suicide Prevention, Character traits as well as additional district initiatives. More interdepartmental conversations are needed to address this Indicator. Team members indicated for district initiatives ie: Digital 5, ESE was involved at the end. Self-advocacy is needed in the area of transition for student with disabilities.

Instruction and Student Achievement

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
23. District data reflect that all SWDs are given equal consideration for recognition through honors, awards and other designations offered by schools.			X	Schools are doing a great job with awarding students with disabilities through the award ceremony process. Every school has he opportunity to participate in the Just Do It Awards ceremony that the District ESE Department initiates. Team members indicated that their school also promotes students with disabilities and reinforces what the district implements.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
24. District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.		PB		Years ago there was a big push to do this, but outside of the ESE Dept. not so much. At School BPIE meeting parent brought materials. Need for more information. The division provides a one-page flyer on person first language, but not from the district. FIN provides many materials to the district but all schools may not have this information.
25. District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.		PB		Some teachers do not use person first language in their emails or other communication. Explicit instruction may be needed. Some schools use person first language but not all. It's beginning but not a habit or institutionalized in their daily approach.
26. District provides information to families about research-based, inclusive educational practices and ways they can support their child's learning, independence and participation at home, at school and in the community.			X	FIN is awesome but not enough awareness for parents regarding this project. There are Parent calendars for training and parent committees. At Preschool a lot of parent trainings are provided.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.
206 of 262

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
27. District provides resources to all district and school staff that include strategies for effective family communication and collaboration to increase learning and achievement for all SWDs in inclusive classrooms and natural contexts.		PM		At one school weekly conversation with parents regarding behavior and academic support was expressed by a team member. District provides this information to support facilitators and general education teachers through Support Facilitator trainings. Conversations between general education teachers and parents of students with special needs may need improvement.
28. District uses a variety of processes and tools to involve family members of students with and without disabilities in district wide decision-making and planning processes, including initiatives related to inclusive practices.		PM		We use a variety of processes and tools. We do a phenomenal job educating parents of SWDS but not enough communication with parents of students without disabilities. Parents are being brought into the decision-making process through the BPIE assessment process. The district gets input from the parent advisory, Evergreen report results and Parent surveys. Parents may not know how their input impacts the district in decision making.
29. District disseminates information to all families in the same manner and at the same time.			X	Department does a good job getting out information to all parents. There is never a big invitation to the SAC meetings or PTA to parents of SWDs. Team member indicated district should promote meetings. Another team member indicated that there is an'ESE' parent on each SAC committee and there is no discrimination against parents of SWDs to serve. Information goes out to the entire school community. Progress reports are generated but may not be consistently delivered to parents as report cards.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

Communication and Collaboration

Indicator	Implementation Status			Data Sources/ Supporting Evidence
	Not Yet	Partially	Fully	
30. District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.		PB		We are working hard to develop partnerships with community (ie:Memorial Hospital). Many high schools have many options and parents have been helpful. The district transition team has been working with 18-21 year olds in programs across the district and we are beginning to work with colleges. We need higher expectations in the district for students to achieve in colleges, universities and career tech areas. Employment areas have good outcomes. There should be more college options for students with disabilities there is a need of assistance. The district ESE department is beginning with students with a significant cognitive disability – a discussion has taken place at Broward College. A team member shared that center sites need more information shared about transition services available for students from the district.

Broward BPIE Tally Ratings

February 22, 2016

Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

Priority Indicators:

#4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.

#14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.

#15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.

#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications.

#25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.

#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.

Additional Comments/Notes:

Indicator 11- Mr. Gohl, Chief Academic Officer expressed he will inform the Human Resources and Equity Department in incorporating interview questions related to diversity and best practices for Inclusive Education. This Indicator will be addressed through another department.

Indicator 12- Clarification needed by parent on team to understand how to calculate LRE due to concern with course coding. Clarification was made briefly from team members.

Indicator 18-. The AT department is awesome.

Indicator 23- Team member also informed the team she would like her school to also focus on primary grades than always focusing on the intermediate grades.

Indicator 28-Team member expressed this is the first time their voice was heard.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.
210 of 262

District FIN Services Plan (FSP)

District: Broward

FIN Services Plan Date: February 6, 2018

FIN's priority is to support the Bureau of Exceptional Education and Student Services (BEESS) Strategic Plan 2018-2019 goals to increase regular class placement of students with disabilities to ≥ **85%**, decrease separate class placement of students with disabilities to ≤ **6%**, and decrease other separate environment placement of students with disabilities to ≤ **1%**, resulting in increased reading and math gains and graduation rates of **all** students with disabilities across **all** districts. This will be accomplished by developing, implementing, and monitoring regional, district, and site-based FIN services plans statewide.

District Contact Information: Antoine Hickman, Exceptional Student Support Learning Division, Executive Director

Team Members/Titles:
Antoine Hickman, Executive Director
Sonja Clay, ESE Director (Secondary),
Jennifer Bigos, Pre-K/Elementary ESE Director
Gwen Lipscomb, FDLRS Supervisor
Brian Norris, Curriculum Supervisor
Nathalie Neree, Curriculum Supervisor
Alex Lopes, Curriculum Supervisor (Pre-K)
Barbara Krakower, FIN Facilitator
JaSheena Ekhator, FIN Facilitator.

District BPIE Self-Assessment and FSP review dates:

- Best Practices for Inclusive Education (BPIE) Self-Assessment Date: February 22, 2016

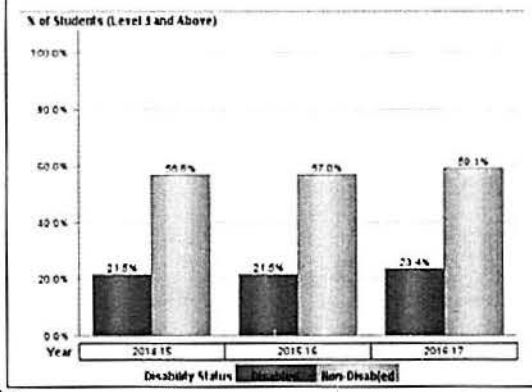
Leadership and Decision Making	Instruction and Student Achievement	Communication and Collaboration
1) PM	12) F	*24) PB
2) PA	13) PA	*25) PB
3) PM	*14) PB	26) F
*4) NY	*15) PB	27) PM
5) PM	16) PM	28) PM
6) F	17) PM	29) F
7) PB	18) F	*30) PB
8) PB	19) PM	
9) F	20) PB	
10) PM	21) PM	
11) NY	22) PM	
	23) F	

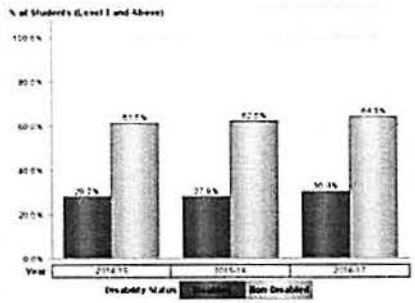
- BPIE Priority Indicators: 4, 14, 15, 24, 25 and 30
- Scheduled/future FSP Review Dates: **August 2018 and December 2018**

Agreement with Therapy Source, Inc. d/b/a TS Source, Inc.
241 of 262

Exhibit 1

District FIN Services Plan (FSP)

LEA Profile/ State Strategic Plan Indicators	Current District Data and Source	State Targets	District Targets	District-Specific Data: Other current and specific data to support the need for improvement: *BPIE* self-assessment data and ratings, school data, climate surveys, focus group results, etc.
Indicator 5a/Regular class placement:	80% LEA Profile 2017	2015-16: ≥**79%** 2016-17: ≥**82%** 2017-18: ≥**83%** 2018-19: ≥**85%**	2015-16: 81% 2016-17: 82% 2017-18: 81% 2018-19: 85%	
Indicator 5b/Separate class placement:	13% LEA Profile 2017	2015-16: ≤ **9%** 2016-17: ≤ **8%** 2017-18: ≤ **7%** 2018-19: ≤ **6%**	2015-16: 9% 2016-17: 8% 2017-18: 12% 2018-19: 6%	
Indicator 5c/Other separate environment:	2% LEA Profile 2017	2015-16: ≤ **1.75%** 2016-17: ≤ **1.50%** 2017-18: ≤ **1.25%** 2018-19: ≤ **1%**	2015-16: 2.00% 2016-17: 1.50% 2017-18: 1.5% 2018-19: 1%	
Indicator 3c/Reading: *See District ELA Proficiency Performance by Disability Status graph below.*  	23.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 27% 2017-18: 25% 2018-19: 30%	

Indicator 3c/Math: *See District Math Proficiency Performance by Disability Status graph below.* 	30.4% Ed Stats 2017	2015-16: ≥ **51%** 2016-17: ≥ **56%** 2017-18: ≥ **61%** 2018-19: ≥ **66%**	2016-17: 32% 2017-18: 32% 2018-19: 37%	
Indicator 6a (3-5): Regular Early Childhood Programs or Kindergarten Services Inside the Classroom	24% LEA Profile 2017	2016-17: **48%** **2017-18: 50%**	2016-17: **32%** 2017-18: 27% 2018-19: 30%	
Indicator 6b (3-5): Separate Class, Separate School or Residential Facility	74% LEA Profile 2017	2016-17: **46.30%** 2017-18: 45.30%	2016-17: **47.3%** **2017-18: 71%** 2018-19: 70%	
Indicator 14a: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education within one year of leaving high school.	31.84% LEA Profile 2017	2016-17: **37%** 2017-18: 39%	2016-17: **33.5%** **2017-18: 32%** 2018-19: 33%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018 –FLDOE 35%
Indicator 14b: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or competitively employed within one year of leaving high school.	44.04% LEA Profile 2017	2016-17: **50%** 2017-18: 52%	2016-17: **45%** **2017-18: 45%** 2018-19: 46%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 47.5%
Indicator 14c: SWDs who are no longer in secondary school, had IEPs in effect at the time they left school, were found enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.	52.93% LEA Profile 2017	2016-17: **66%** 2017-18: 69%	2016-17: **55%** **2017-18: 54%** 2018-19: 55%	Data on LEA profile reflects 2015-2016 data. *Data received 2-8-2018-FLDOE 56%

Agreement with Therapy Source, Inc. d/b/a TS Source, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #4-District data reflect that SWDs, ages 3–5, receive special education and related services in the regular early childhood program or kindergarten, with peers without disabilities.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 6 and Indicator 7

GOAL 1: By June 2019, FIN will collaborate with district to increase special education services in general education for SWDs ages 3-5 by 3%, resulting in LRE baseline data to increase from 24% to 30%.

Goal 1 **Action Steps:**	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will monitor and analyze Indicator 6 data with district Pre-K coordinator.	FIN and Pre-K coordinator	February 2019	Progress monitoring data sheet in analyzing data for SWDs ages 3-5	FIN will coordinate professional learning opportunities with Pre-K Coordinator to enhance inclusive opportunities for SWDs ages 3-5.	
2. FIN in collaboration with district staff will provide professional development to VPK and Head Start personnel for SWDs ages 3-5 related to addressing the needs of students with varied needs in an inclusive setting.	FIN, and District Pre-K Staff	February 2019	Student outcome data in integrated settings of SWDs ages 3-5	Coordinated services with TATs and District Pre-K ESE Coordinator to determine next steps in addressing the needs of students with disabilities ages 3-5.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):
Pre-K Coordinator will provide VPK and Head Start sites that need additional support in how to work with SWDs in a general education setting by June 2018.

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #14-District provides job-embedded, collaborative PD and TA to all schools to integrate IEP goals and objectives and the Florida Standards in general education classes and natural contexts.	**State Strategic Plan Indicator(s): (please mark)** ____Indicator 5a Regular Class ____Indicator 5b Separate Class ____Indicator 5c Other Separate Environment __X_Indicator 3c/Reading Proficiency _ X_Indicator 3c/Math Proficiency Other:

GOAL 2: In 2018-2019, District ESE, FDLRS and FIN will collaborate to provide job-embedded, collaborative PD and TA on the integration of IEP goals and Florida standards in 100% of targeted schools to increase student with disabilities outcomes by 6.6% from baseline data in ELA of 23.4% to 30% by the end of 2019.

Goal 2 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion–Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide FDLRS and District ESE staff with technical assistance on how ESE and general education teachers can infuse a student's priority educational needs, accommodations and/or educational services in a general education setting.	FIN, FDLRS and District Staff	March 2019	Resources provided during technical assistance sessions as well as PD reflecting content shared by FIN.	FIN will provide coaching and ongoing technical assistance on how to integrate accommodations or modifications in an Inclusive setting through varied professional learning opportunities.	
2. FIN will model and provide professional learning opportunities for Support Facilitators to understand their roles and responsibilities in participating in grade level professional learning communities.	FIN	June 2019	A completed list of Support Facilitators who completed professional learning on their roles in a PLC	FIN will provide a self-assessment checklist for Support Facilitators to ensure they meet the expectations of their roles and responsibilities while participating in PLCs.	
3.FIN will provide professional learning opportunities for middle school teachers to implement Content Enhance Routines to improve student proficiency in ELA.	FIN	June 2019	A list of prioritized schools and participants based on need from achievement data.	FIN will provide a follow-up checklist to ensure participants are utilizing Content Enhancement Routines through grade level content.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

- FDLRS will provide train the trainer sessions on UDL from CAST PD offering.
- District will provide Making Reading Explicit (PDA) offering in collaboration with FDLRS to increase reading proficiency of SWDs.
- District will create Toolkit for teachers based on Making Reading Explicit (PDA) module for all grade levels
- FDLRS conducts professional learning opportunities and technical assistance in how to integrate IEP goals and Florida standards across a continuum of alternative placement options.
- District will also explore Making Reading Explicit Toolkit for District's Dyslexia Plan to address reading proficiency for students with and without disabilities.

Agreement with Happy Source, Inc. d/b/a TASSource, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s): #15- District provides ongoing PD and TA to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all SWDs in general education contexts, regardless of the type or severity of their disability.	**State Strategic Plan Indicator(s): (please mark)** __X__ Indicator 5a Regular Class __X__ Indicator 5b Separate Class __X__ Indicator 5c Other Separate Environment ____ Indicator 3c/Reading Proficiency ____ Indicator 3c/Math Proficiency Other:

GOAL 3: FIN will collaborate with district staff to facilitate the inclusive scheduling process, conduct PD and technical assistance on collaborative teaching to targeted schools to decrease students spending less than 40% of time with their peers without disabilities from 13% to 6% by the end of 2018-2019.

Goal 3 Action Steps:	**By Whom:** (FIN, District, Other Collaborative Partner)	**By When:** (Deadline for Completion– Month/Year)	**By What:** (Provide evidence that will demonstrate completion of Action Step.)	**Follow-up:** (Measurable and aligned with each action step)	**Status:** (Completed, in-progress, revised, additional goal/action step)
1. FIN and district staff will facilitate the scheduling process for 32+ school teams by creating schedules for teacher collaboration and in-class supports for SWDs.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Review Form	FIN will follow-up with district ESE staff to monitor the LRE status of schools and check fidelity in the implementation of the scheduling process.	
2. FIN will support district ESE staff in conducting the inclusive scheduling process with targeted schools.	FIN and District ESE	June 2018	Scheduling charts and LRE Data Form for selected schools with lists of schools trained in the scheduling process.	FIN will progress monitor the status of LRE of schools monthly that went through the inclusive scheduling process.	
3. FIN will facilitate ongoing professional learning opportunities to ESE and general education teachers with collaborative teaching service delivery models in alignment with district Support Facilitation Manual.	FIN	March 2019	Follow-up assignment to reflect a plan of how collaborative teachers will implement Support Facilitation in alignment with district's Support Facilitation Standards/Indicators.	FIN will provide ongoing coaching and mentoring for collaborative teams to sustain inclusive practices to meet the needs of students receiving ESE services in the general education setting.	

Agreement with Therapy Source, Inc. d/b/a TX Sports, Inc.

District FIN Services Plan (FSP)

Goal 3 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
4. FIN will collaborate with district Program Specialists to create resources/tools for collaborative teachers in inclusive settings.	FIN	June 2019	Tools and resources created on inclusive practices for collaborative teachers.	FIN will create customized resources/tools as per collaborative teachers needs based on Program Specialists qualitative data.	
5. FIN will collaborate with District ESE Curriculum Supervisors to gather resources and information for the inclusion of students with significant cognitive disabilities for school based leadership teams.	FIN	June 2019	A compilation of resources and tools to facilitate the inclusion of students with significant cognitive disabilities.	A finished product of resources to share with school based leadership teams to support the Inclusion of students with significant cognitive disabilities on their school campus.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#24- District provides all district and school personnel with information and resources pertaining to the use of person first language in all written and verbal communications. #25- District documents, forms, program materials and other communication that refer to SWDs reflect the use of person first language.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other:

GOAL 4: In 2018-2019, Broward County Public Schools will change all documents to indicate the use of person first language in 100% of all written correspondence by the end of 2018.

Goal 4 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide resources on Person First Language to all district staff via Exceptional Student Learning Support (ESLS) website and used in all district correspondences (e.g Pupil Progression Plan).	FIN	February 2019	Resources on Person First Language reflected on website and in correspondences in all departments	The addition of Person First Language resources displayed on Division of Exceptional Student Learning Support website and used in district documents.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services): N/A

District (ESLS) leadership will share resources at district meetings.

Agreement with Therapy Source, Inc. d/b/a FIN Source, Inc.

District FIN Services Plan (FSP)

District BPIE Priority Indicator(s):	State Strategic Plan Indicator(s): (please mark)
#30- District has partnerships with colleges, universities and career and technical schools to provide inclusive, postsecondary educational and career opportunities for students with a significant cognitive disability, ages 18–21, to enroll in programs with adults without disabilities.	__X__Indicator 5a Regular Class _X___Indicator 5b Separate Class _X___Indicator 5c Other Separate Environment ____Indicator 3c/Reading Proficiency ____Indicator 3c/Math Proficiency Other: Indicator 14

GOAL 5: In 2018-2019, FIN will support the Transition team in increasing the percentage of students with disabilities enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school from 52.93% to 55%.

Goal 5 Action Steps:	By Whom: (FIN, District, Other Collaborative Partner)	By When: (Deadline for Completion–Month/Year)	By What: (Provide evidence that will demonstrate completion of Action Step.)	Follow-up: (Measurable and aligned with each action step)	Status: (Completed, in-progress, revised, additional goal/action step)
1. FIN will provide technical assistance with District's transition team in supporting CTACE, technical schools, Workforce, VR, Broward College and school administrators with Inclusive practices for students with disabilities transitioning to postsecondary programs.	FIN, CTACE and District Transition Team	June 2019	Meetings with transition team and notes to reflect technical assistance to enhance transition services for students with significant cognitive disabilities.	FIN will provide ongoing support to transition team in ensuring Inclusive resources and approaches are embedded into transition services in career experiences for SWDs.	

Notes/Comments (e.g., other action steps to be completed by district ESE staff and/or other Discretionary Projects – not directly involving FIN services):

District Transition Team is collaborating with Broward College to increase opportunities for students with disabilities to enroll in college.

Agreement with Therapy Source, Inc. d/b/a TS Source, Inc.

District FIN Services Plan (FSP)

The following School BPIE Indicators are the top 5 indicators prioritized by school teams. Actions conducted and/or in progress are listed below:

Agreement with Therapy Source, Inc. d/b/a TX Source, Inc.

Indicator 26: All paraprofessionals receive professional development on ways to support students with disabilities in general education.

- Professional learning opportunities are provided by the district, FDLRS and FIN are communicated to school leadership)

Indicator 2: Short and long-term improvement efforts are included in the SIP.

- The ESE Department and FIN collaborated with Office of School Performance and Accountability (OSPA) to include BPIE assessment results, prioritized indicators and actions for improvement within the SIP (Best Practice 4).
- FIN provides technical assistance to school leadership to infuse their BPIE assessment results in SIP
- FIN developed a BPIE Crosswalk to align with existing plans in Broward as part of the SIP.
- All School BPIE Assessment results are visible on the Office of School Performance and Accountability website in Broward County Public Schools.

Indicator 15: Administrators facilitate job-embedded professional development on inclusive practices for all school personnel.

- District and FIN have shared professional learning opportunities and resources with school administrators for school teams.

Indicator 18: Specials, electives, and technical education teachers have regular opportunities to consult with special education teachers.

- FIN scheduling process, professional learning and technical assistance activities promote increased communication and collaboration with all teachers

Indicator 28: General and special education teachers regularly plan instruction together.

- Through the scheduling process, schedules were developed to reflect common planning.

Our Mission: *The Florida Inclusion Network (FIN) collaborates with all districts and schools to provide customized services and supports ensuring all students with disabilities have the same educational, social, and future opportunities as their peers.*

The School Board of Broward County, Florida

Plan to Increase the Participation of Underrepresented Groups in Gifted Programs

Appendix C

District: Broward

DISTRICT PLAN

TO INCREASE THE PARTICIPATION
OF UNDERREPRESENTED STUDENTS
IN ESE GIFTED PROGRAMS

2019-2020

District:	School Board of Broward County
Date:	October 11, 2018
Contact Person:	Zuzel Rodriguez
Title:	Curriculum Supervisor for Gifted and Talented
Address:	600 SE 3rd Avenue
	Fort Lauderdale, Florida 33301
E-mail:	zuzel.rodriguez@browardschools.com
Phone:	(754) 321-2620 FAX: (754) 321-2766

The targeted populations for Broward County's Plan B are English Language Learners (ELL) and Low SES families. ELL students are defined by the following classifications:

LY = K-12 grade ELL students enrolled in classes specifically designed for ELL students
LN = K-12 grade ELL students not enrolled in classes specifically designed for ELL students
LP = 4-12 grade ELL students for whom the reading/writing test is pending
LF = K-12 grade former ELL students who exited the program within the last two years.

Low SES family is defined as students who are eligible for free or reduced lunch.

SCREENING AND REFERRAL

A. Current Practices Which Will Be Continued

1. At present, the School Board of Broward County, Florida has implemented a process for ensuring that potentially gifted students, in each grade K-5, are being systematically screened. Each fall, all elementary schools are instructed to review test data from the previous year and screen those who score at the 80th percentile or above on the reading and/or mathematics assessments. All second grade students will be screened in the spring of each school year by the District using a uniform screening instrument. Students who meet specific criteria on the universal screening instrument will be automatically referred for consideration of eligibility. Schools are instructed to give careful consideration to screening and evaluating these students as possible candidates for the gifted program. This practice has ensured that students are considered for screening and evaluation by means other than teacher referral.

   In an attempt to increase awareness and disseminate knowledge, professional development workshops have been offered over the past several years to promote a better understanding of the characteristics of gifted students from underrepresented groups. These activities have resulted in an increase in the number of students from underrepresented groups who have been screened and referred for evaluation to determine their eligibility for the gifted program.

B. Proposed Plan for Screening and Referral Procedures

1. This plan will target students in kindergarten through 12th grade. Since Plan B covers kindergarten through 12th grade, a multidisciplinary committee of faculty members at each school will be trained to become more aware of and understand the nature of the students to be screened. This committee will also learn how to effectively use the screening process. A flow chart detailing the process that will be employed is included as part of this plan.

2. In order to provide a comprehensive profile of the student's abilities, screening activities will include nomination forms from teachers, school staff, students themselves, parents and/or community.

   a. *The Parent/Community Nomination Form* will be sent home with the students to be completed by one of the following: parent, legal guardian, or surrogate, or a member of the community that knows the student well. A sample letter has been included to ensure that parents are informed about the screening and referral process. The form and sample letter have been translated into Spanish, Haitian-Creole, and Portuguese.

b. Other nomination forms should be disseminated to the various individuals indicated.

c. All nomination forms collected will be reviewed and utilized when completing the Plan B Referral Form.

3. If the student scores at the 80th percentile or above in reading or mathematics on a standardized achievement test or scores an average of ≥80% on at least four (4) of the nomination forms, the student will be referred for screening of intellectual functioning. The Kaufman Brief Intelligence Test 2nd Edition (K-BIT2) or other cognitive screening measure will be administered after proper consent for such an evaluation has been obtained. If the student scores ≥ 113 on the screening measure of intellectual functioning, or if the parent requests evaluation for eligibility for gifted services, the student will be referred for evaluation by the school. The screening information collected will be recorded on the Plan B Referral Form.

a. If the student scores less than 113 on the screening measure of intellectual functioning, the student is no longer considered a candidate. (NOTE: for English Language Learner (ELL) students, a score on the Matrices section of the K-BIT2 or a score on another nonverbal instrument (e.g., Naglieri) may be used.

b. If the student is not referred for formal evaluation, parents are notified of this decision in their native language where feasible. Notification is made either by phone, letter, or conference. Notification by phone or conference must be documented in writing.

STUDENT EVALUATION

The Gifted Eligibility Matrix (GEM) will be utilized to evaluate placement in the gifted program. The Plan B Matrix will include measures of intellectual functioning, academic performance, leadership, motivation, and creativity through the following means. A multi-disciplinary committee of professionals will be established at each elementary, middle, and high school. This committee must include a parent and may also be comprised of the classroom teacher, the teacher of the gifted, the Exceptional Student Education (ESE) Specialist, an LEA representative, the school psychologist, an ESOL designee where appropriate, and other school staff who spend significant time with the student. The eligibility committee at each school will be responsible for the review and analysis of evaluation data and the recording of the data on the Gifted Eligibility Matrix (GEM). The ESE Specialist or Plan B designee will be responsible for recording the information on the GEM. The GEM includes measures of intellectual functioning, academic performance through achievement skills, gifted characteristics, and environmental indicators. **The need for a special program will be established based on the GEM score.**

(NOTE: A teacher with the ESOL endorsement or in the process of acquiring the ESOL endorsement must be part of every staffing and/or review for a gifted LEP student.)

A. Intellectual Functioning

An individual intellectual assessment will be administered by a School Psychologist. Using a measure of intellectual functioning provides a balance between objective and subjective measures of the student's potential. Test selection will depend on the age of the student, the language and cultural background of the student, and the professional judgment of the School Psychologist. Nonverbal cognitive tests are a viable alternative to use when assessing ELL students.

The minimum standard score for consideration of eligibility on the GEM eligibility matrix is 115.

Intellectual measures may include but are not limited to:

1. Differential Ability Scales - II (DAS-II), the Special Nonverbal Composite may be used with LEP students.
2. Wechsler Intelligence Scale for Children – IV (WISC-V)
3. Leiter International Performance Scale - III (Leiter-III)
4. Comprehensive Test of Nonverbal Intelligence (CTONI)
5. Universal Nonverbal Intelligence Test (UNIT)
6. Stanford-Binet Intelligence Scale, Fifth Edition (SB-5)
7. Raven's Progressive Matrices

B. Achievement Skills

Academic performance is considered through the achievement test scores. Achievement tests will be used to measure the student's academic performance in the areas of reading and mathematics.

A group achievement test administered through a public or accredited private school or an individual achievement test given by a psychologist, curriculum resource teacher, or other professional will be used as the measure of academic performance. Tests may include but are not limited to:

- Stanford Achievement Test (SAT)
- Comprehensive Test of Basic Skills (CTBS)
- Metropolitan Achievement Test (MAT)
- Woodcock-Johnson-Revised Test of Achievement Bateria Woodcock-Muñoz Revisada: Pruebas de Aprovechamiento-Revisada
- Woodcock McGrew-Werder Mini-Battery of Achievement
- Kaufman Test of Educational Achievement
- Florida Standards Assessment (FSA)
- Benchmark Assessment System (BAS)

C. Gifted Characteristics

Leadership, creativity, and motivation are carefully considered when determining eligibility for the gifted program.

The Gifted Indicators Checklists will be used to evaluate the student's demonstrated ability or potential in the areas of leadership, motivation, creativity, adaptability, and learning. The student will be rated by educators with primary observational opportunities. When rating the child, parental input should be part of the rating process. Any number of educators may rate the student. Observation of the student will be the most important factor in completing the checklist.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility. To determine the student's score on the Gifted Characteristics section, select the 4 highest scores out of the 5 domains and record the total points on those 4 domains on the GEM.

D. Environmental Indicators

Environmental indicators are considered when determining eligibility for the gifted program. The gifted are not a homogenous group nor do they express their talents in the same way. Special attention needs to be given to the different ways children from different cultures manifest behavioral indicators of giftedness.

The following environmental indicators will be considered for eligibility.

1. Speaks language(s) other than English (one point)
2. Student is from an underrepresented group (one point)
3. Meets criteria on the Underrepresented Student Trait Indicators Checklist
   (one point for 15-21 indicators checked, two points for 22-28 indicators checked).

DETERMINING ELIGIBILITY

A student is eligible for the gifted program in accordance with:

1. Eligibility under 2(a) of State Board Rule 6A-6.03019.FAC.

   or

2. Eligibility under 2(b) of State Board Rule 6A-6.03019.FAC (Revised in an Amendment to the Amendment 5/21/02).

Students eligible under 2(b) will be considered for placement upon completion of the Gifted Eligibility matrix (GEM). Leadership, creativity, and motivation have been carefully considered as characteristics of gifted learners when constructing the GEM.

These characteristics have been grouped with learning and adaptability. Considering leadership, creativity, and motivation separately may serve to eliminate gifted underachievers from gifted programs and provide too much latitude for teacher bias. Gifted eligibility requires a total score of 10 points or higher on the GEM and a student must score at least one (1) point in both the intellectual abilities category and the gifted characteristics category.

INSTRUCTIONAL PROGRAM MODIFICATIONS OR ADAPTATIONS

A. Philosophy: All students can learn and all populations are capable of high performance. By equitably assessing students' abilities, Broward's gifted program can meet the individual and unique needs of all gifted students. The use of a multiple criteria matrix in the identification process provides a comprehensive view of students' strengths, interests, and potential.

B. Educational Plan/Individual Educational Plan (EP/IEP) Process: The EP/IEP serves as the process for planning, documenting, and ensuring that appropriate modifications are made to the content, process, product, and learning environment of all gifted students in order to meet their unique needs.

C. Program Goal: The development and enhancement of critical thinking, creative thinking, planning, achievement, evaluation, independence, social responsibility and service, as outlined in Special Programs and Procedures for exceptional students (SP&P) are appropriate instructional goals for all gifted students. In addition, the Florida Standards, Grade Level Expectations (GLE's), and multicultural content and issues will be a major focus of future gifted programs.

D. Instructional Program: Modifications and adoptions to the curriculum to ensure the successful and continued participation of students from underrepresented groups will focus on multicultural content and issues, interdisciplinary curriculum, use of concrete materials, and the employment of a variety of teaching and learning methodologies. Students will develop skills in higher order thinking, self-directed learning, self-awareness, interpersonal relationships, and creative thinking and expression.

E. Delivery: Newly identified students in Subpart (2)(b) will be placed appropriately in existing gifted programs. Sites will use delivery models consistent with Broward County's gifted policy. In this way, models can be evaluated to determine if one model is more effective than another in maximizing successful and continued participation of newly identified gifted students.

F. Instructional Support: To ensure successful and continued participation of students from underrepresented groups, instructional support will be provided both within the school system and the community. Additional support will include, but not be

limited to, staff development for teachers and counselors, use of mentors and partnerships between school and community, access to technology, materials and services provided by the Florida Diagnostic and Learning Resource System (FDLRS) and other agencies, and cooperation with the Multicultural/Foreign Language/ESOL Education Department of the School Board of Broward County.

G. Parent/Community: To ensure the successful participation and continuation of program goals of students from underrepresented groups, family and community involvement will be promoted through awareness workshops and program activities. Parent/Community awareness workshops will be held for the general public to increase their understanding of the gifted program. To strengthen communication between the home and school, parents will be provided with referral and evaluation information about the gifted program. Parents will be informed of the steps they can take to initiate a referral for gifted evaluation. To maximize understanding, all written and oral communications between the School Board of Broward County's personnel and parents of current or former English Language Learner (ELL) students shall be in the parents' primary language or other mode of communication used by the parent unless clearly not feasible (Rule 6A-6.0908 (2),FAC).

EVALUATION DESIGN

A formal evaluation addressing the increased participation of students from identified underrepresented groups and the successful and continued participation of these students in programs or gifted students will be conducted annually. The ESE Specialist or gifted point person at each school will maintain a record of students nominated, screened, referred and evaluated for the gifted program. The Department of Innovative Learning periodically reviews these records through the electronic education plan system. The Gifted Assessment Team at each school will maintain a record of students recommended for program placement. A bi-annual review of students' grades and standardized test scores will be conducted for all students from underrepresented groups. Additional evaluation activities will include evaluating the effectiveness of the implementation of each component – screening and referral procedures, criteria for eligibility, measurement instruments for student evaluation, instructional program philosophy, curriculum modifications or adaptations, and support services and evaluation design – in achieving the goal of increased participation of underrepresented groups and ensuring the success of students in these groups and their continued participation in the gifted program.

The Evaluation Design will be ongoing and reviewed and reassessed on a yearly basis by both quantitative and qualitative information.

A. Quantitative Data

1. The ESE Specialist will maintain a record of all students who have been nominated, screened, referred, and evaluated for the gifted program.

2. Students will be categorized by English proficiency and economic status.

3. The percent of students from each underrepresented group participating in the gifted program will be compared to previous years.

4. **Data will be compiled during the fall of each year to review the success of the plan. Revisions, if necessary, will be recommended for the following school year.**

B. Qualitative Data

1. The success of students from underrepresented groups in the gifted program will be evaluated by a review of their grades and progress evaluations from the teacher of the gifted.

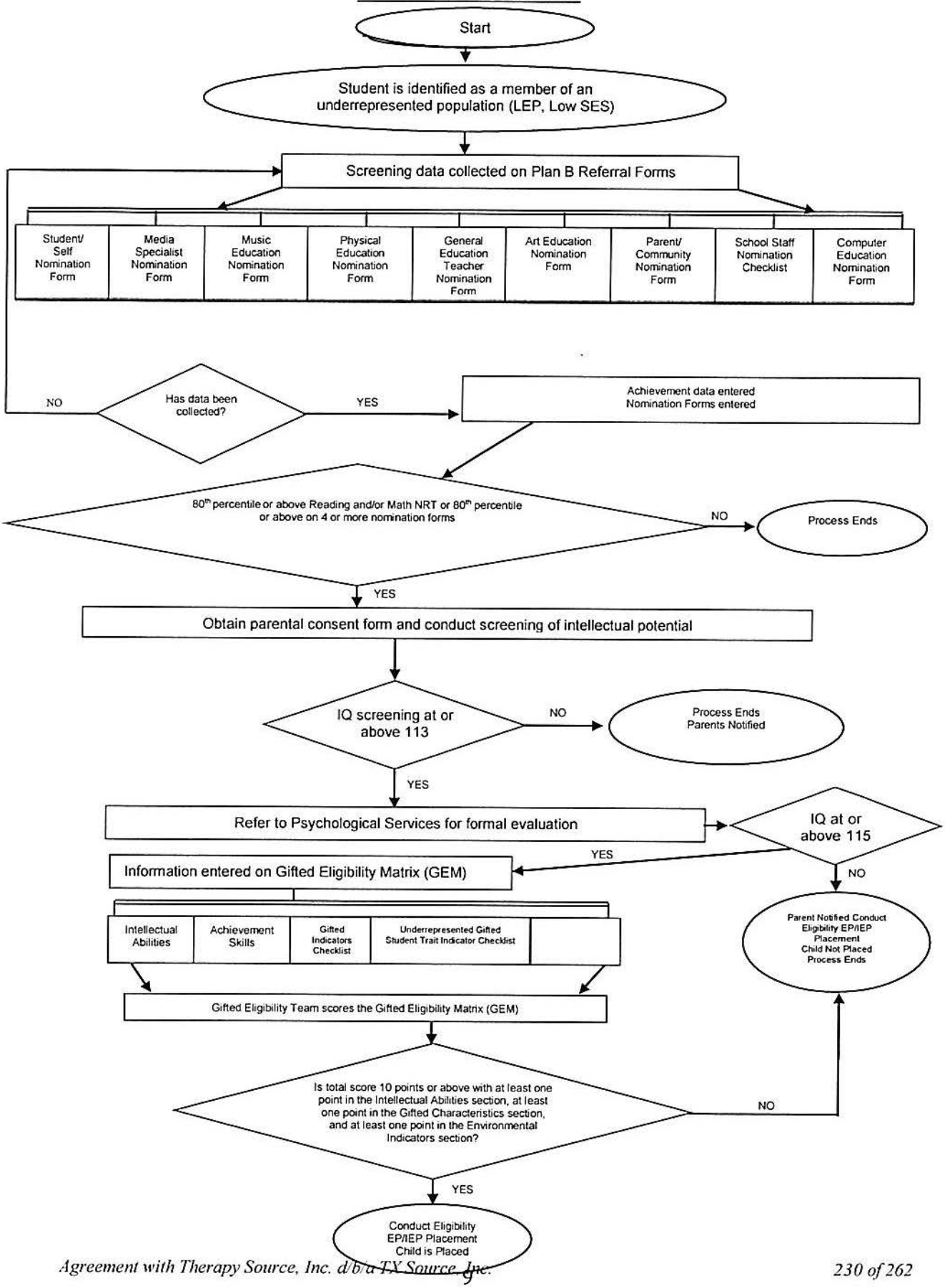
2. Participating students, their parents, general education classroom teachers, and teachers of the gifted will be surveyed to evaluate the successful and continued participation of students from underrepresented groups and existing students in programs for the gifted.

ASSURANCES

Submission of this application hereby assures that the applicant will implement the plan with the following requirements:

- Assurance is hereby provided that this plan is targeted to groups that are currently underrepresented in gifted programs in this school district.
- Assurance is hereby provided that alternative criteria will be implemented as approved.
- Assurance is hereby provided that alternative criteria will be uniformly applied in each targeted school and for each category of underrepresented students.
- Assurance is hereby provided that alternative criteria meet minimum expectations for good candidates for gifted programs and services.

Plan "B" Process Flowchart



Plan B

Evaluation Packet

Broward County School Board

Seal

PLAN B REFERRAL FORM

Student Name:_____ Student #:_____

Grade: _____ Date:_____ DOB:_____ Sex:___ Free/Reduced Lunch:_____

Home Language:_____ Current Classification:_____ Date:_____

School:_____ Completed By: Name:_____

Title:_____

Section I:

1. Student is of underrepresented group **(circle applicable group)** _____ Yes _____ No

   English Language Learner **Low SES Family**

2. **ACHIEVEMENT TEST DATA**

   Reading instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   Mathematics instrument (designate subtest or total): _____ Percentile _____ FSA level_____

   80th Percentile or above in reading or mathematics or on the BAS: _____ Yes _____ No

   FSA level 4 or 5 in reading or mathematics: _____ Yes _____ No

3. **NOMINATION FORMS**

	Points Earned	Points Possible	Points Needed	Score ≥ 80%
(A) Parent/Community	_____	15	(12)	_____Yes____No
(B) Student Self-Nomination	_____	10	(8)	_____Yes____No
(C) General Education Teacher	_____	10	(8)	_____Yes____No
(D) School Staff	_____	10	(8)	_____Yes____No
(E) Media Specialist	_____	10	(8)	_____Yes____No
(F) Computer Education	_____	10	(8)	_____Yes____No
(G) Physical Education	_____	10	(8)	_____Yes____No
(H) Art Education	_____	10	(8)	_____Yes____No
(I) Music Education	_____	10	(8)	_____Yes____No

Section I Summary:

"Yes" must be checked on #1

"Yes" must be checked on either #2 or **on at least 4 of the nomination forms in #3**

Referred for screening of intellectual functioning _____ Yes _____ No

Section II: INTELLECTUAL FUNCTIONING SCREENING

Evaluation instrument used: _____ Standard Score _____ Scored ≥ 113 _____Yes _____No

Referred for evaluation by the School Psychologist _____ Yes _____ No

NOMINATION FORM A

PARENT / COMMUNITY

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is able to remember and tell detailed information about happenings at school or in the community _____
2. Questions authority; may argue; gets frustrated when he/she feels things are unfair _____
3. Is insightful; understands what is really happening in situations _____
4. Is candid in appraisal of adults or situations _____
5. Has a sense of humor _____
6. Tends to be prepared for early independence and survival _____
7. Tells imaginative stories _____
8. Asks many questions _____
9. Is resourceful and can solve problems by ingenious methods using varied materials _____
10. Tries to solve problems and figures things out independently _____
11. Has many ideas and a lot to say _____
12. Is resourceful; likes to make new things _____
13. Solves problems in more than one way _____
14. Is often assertive _____
15. Can stay focused on a task for a long period of time _____

NOMINATION FORM B

STUDENT SELF-NOMINATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. I'm a good guesser _____
2. I have a sense of humor; I can make people laugh _____
3. I can get other people to do things I want them to do _____
4. I like to tell people what to do _____
5. People say I ask too many questions _____
6. I have friends that are older than I am _____
7. I am not afraid to try new things _____
8. I am told that I have a good imagination _____
9. I like to find out how things work _____
10. I like to daydream _____

NOMINATION FORM C

GENERAL EDUCATION TEACHER

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Likes to use big words (sometimes incorrectly) _____
2. May invent new words _____
3. Reads a lot (in interest area) _____
4. Is talented or creative in the performing arts _____
5. Likes to be in charge or is assertive _____
6. Ask questions _____
7. Assists other students _____
8. Often has an answer, even if incorrect. May have elegant insight which is not necessarily correct; e.g., may do a science project based on faulty hypothesis, but demonstrate excellent sense of scientific method _____
9. Attempts to correct teacher _____
10. May attract negative attention because unable to sit still, or no attention because so quiet _____

NOMINATION FORM D

SCHOOL STAFF

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

Relationship to child: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Is a good guesser _____
2. Displays a sense of humor; makes others laugh; tells jokes _____
3. Is involved in many school activities _____
4. Has the ability to influence others, positively or negatively _____
5. Tends to dominate others _____
6. Asks a lot of questions _____
7. Shows self-confidence _____
8. Is a risk taker _____
9. Has a good imagination _____
10. Thinks of alternative ways to do things _____

NOMINATION FORM E

MEDIA SPECIALIST

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Spends a great amount of time reading; checks out a lot of book _____
2. Very interested in books, aware of details and descriptions _____
3. Works in an absorbed manner for lengthy periods of time _____
4. Persists in asking questions about a problem or a topic; reads many books/articles on topics in which (s)he has interests _____
5. Follows up class activities by reading and/or researching _____
6. Knows about things of which other children are unaware _____
7. Has a wide range of reading interests; has an avid interest in specific subject areas _____
8. Possesses and shares a large storehouse of information _____
9. Actively pursues interests which are different from peer group _____
10. Has difficulty and becomes frustrated when explaining ideas that are beyond his language capabilities _____

NOMINATION FORM F

COMPUTER EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Displays specialized knowledge in technology (e.g., multimedia presentations, spreadsheets, word processing, database) _____
2. Attempts difficult tasks and does not give up easily _____
3. Evidences power of concentration; becomes absorbed in topics or tasks while using internet and/or intranet _____
4. Is self-motivated to learn _____
5. Is curious about many things; displays intellectual curiosity _____
6. Enjoys challenges and tasks which are not routine; is bored by routine tasks _____
7. Catches on quickly; even though technology experience has been limited or non-existent _____
8. Is self-critical and strives for perfection _____
9. Is not easily distracted when solving problems _____
10. May resist drill and repetition on basic skills software _____

NOMINATION FORM G

PHYSICAL EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Learns quickly (e.g., grasps rules of a game quickly; has good memory for movement) _____
2. Will argue (e.g., becomes very upset at supposed inequalities in a game) _____
3. Strives for perfection (e.g., spends time developing his/her skills) _____
4. Has many interests (e.g., likes to try new games) _____
5. Shows good hand-eye; foot-eye coordination (e.g., has skilled body movements) _____
6. Has advanced motor ability for his/her age _____
7. Has a great desire to excel _____
8. Is innovative; may make up own games or new rules to an existing game; may use materials in a way other than intended _____
9. Is persuasive, organizes and influences others; others may look to this person as a leader _____
10. May seem assertive with others (e.g., gets impatient when others do not seem to understand the rules) _____

NOMINATION FORM H

ART EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Uses materials in new and different ways _____
2. Learns quickly (e.g., grasps and applies techniques) _____
3. Shows mature spatial ability (e.g., organizes objects and materials in space) _____
4. Is good at detailed work _____
5. Shows originality in ideas _____
6. Shows mature depth of field and perspective in drawings, paintings, and sculpture _____
7. Enjoys art; tends to expand on basic instructions _____
8. Likes to do "own thing" rather than follow instructions _____
9. Shows greater depth, more complete understanding of subject matter _____
10. Demonstrates an advanced skill in a particular area of art _____

NOMINATION FORM I

MUSIC EDUCATION

Student Name:_____ Grade: _____ Date:_____

Person completing this form: _____

The following should be evident in quality beyond what is typical for the nominee's age/grade level. Please check if the characteristic is evident. Each check counts as one point.

1. Can sight read music easily _____
2. Responds quickly to musical training _____
3. Displays exceptional talent with voice _____
4. Displays exceptional talent on an instrument _____
5. Plays "by ear" or sings on first or second hearing _____
6. Plays more than one instrument _____
7. Improvises or innovates on instrument and/or voice _____
8. Demonstrates sense of rhythm _____
9. Becomes absorbed in music; either performing or listening _____
10. Recalls and can repeat musical patterns _____

Broward County School Board

Gifted Eligibility Matrix (GEM), Plan B

Completed By

Date: _____ Name: _____ Title: _____

Student Name: _____ Student Number: _____

School: _____ Date of Birth: _____

Current Grade: _____ Staffing Date: _____

Student's Home Language: _____ Language Classification/ Date of Classification: _____

Matrix Scoring System

Intellectual Abilities Eval. Instrument: _____ Score: _____	**4** 125-127+	**3** 122-124	**2** 119-121	**1** 115-118	**Score**
Academic Achievement Instrument used (subtest or total)_____ Date:_____ Reading Percentile/Percentage: ___ or FSA level___ BAS Reading Score_____ Math Percentile or Percentage:___ or FSA level___	95+ % FSA level 5	90-94 % FSA level 4	85-89 % FSA level 3	80-84 % FSA level 2	**Score**
Gifted Characteristics Gifted Indicators Checklist Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section. Total Score:_____	Total Points 100+	Total Points 80-99	Total Points 60-79	Total Points 40-59	**Score**
Environmental Indicators **Yes** Student primary language(s) other than English (1pt) _____ Student from a low SES* family (1 pt) _____ Student meets criteria on the Underrepresented Gifted Student Trait Indicators Checklist (1or2 pts) _____	Total Points 4	Total Points 3	Total Points 2	Total Points 1	**Score**
*Socio-economic status			Total Score		

Note: If the student scores a 130 or higher on the evaluation instrument for intellectual abilities, the student meets the IQ requirement and the eligibility process should proceed according to Plan A guidelines. There is no need to continue with the Plan B Gifted Eligibility Matrix.

A student must score at least one (1) in each of the Intellectual Abilities, the Gifted Characteristics, and Environmental Indicators sections. Eligibility requires a total score of 10 or higher.

The student meets initial eligibility requirements as per Broward County's Plan B Criteria? ☐ Yes ☐ No

Plan B Gifted Indicators Checklist

Student Name: _____

Date: _____

School: _____

Home Language: _____

Grade Level: _____

Person(s) completing this checklist:

Name: _____ Title:_____

Name: _____ Title:_____

PLAN B GIFTED INDICATORS CHECKLIST

* **The following characteristics may be observed in English or in the student's heritage language**

This student exhibits this behavior

LEARNING	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Has unusually advanced vocabulary for age or peer group and/or conversation reveals richness of expression, imagery, elaboration, and fluency in language. (May be a blend of standard English and ethnic dialect, or other language)					
2. Possesses and shares a large storehouse of information, some beyond the interest of peer group					
3. Displays specialized knowledge based on life experiences. (Examples: knowledge of shopping responsibilities, ability to make change, safety, neighborhood environment and daily happenings)					
4. An elaborate thinker, able to produce embellishments to an idea, situation, or problem and/or asks many questions to determine why or how things happen, what will happen next, or how things work					
5. An original thinker, able to see relationships among seemingly unrelated objectives, ideas or facts					
6. Catches on quickly; retains and uses new ideas and information; may resist drill and repetition					
7. Has a facility for learning standard English.					
8. Is a keen and alert observer and/or listener (e.g., usually "sees more" or "gets more" out of a story or film than others and/or reads a lot in interest areas and/or accelerated "cognitive" development relative to sociocultural and age peers)					
9. Likes to use big words (sometimes incorrectly) and/or may invent new words					
10. Always has an answer, even if incorrect					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points LEARNING: _____

This student exhibits this behavior:

MOTIVATION	C	O	S	R	N
1. Evidences power of concentration, becomes absorbed in topics or tasks of interest promptly and consistently					
2. Prefers to work independently with minimal direction from teachers; organizes self and materials					
3. Is concerned with right and wrong, good and bad, fair and unfair					
4. Takes advantage of opportunities to learn; enjoys challenge and tasks which are not routine; is bored by routine tasks					
5. Is self-critical and strives for perfection; may be critical of others					
6. Is persistent in task completion; may be unwilling to change tasks or moves from task to task without regard for completion					
7. Likes reasonable structure and order; may be frustrated by lack of organization or progress					
8. Is motivated by art, music, sports, participates enthusiastically.					
9. Exhibits intrinsic motivation to learn topics of interest; self-motivated					
10. Not easily distracted when solving problems					

#in C _____ X 4 = _____

#in O _____ X 3 = _____

#in S _____ X 2 = _____

#in R _____ X 1 = _____

Total Points MOTIVATION: _____

This student exhibits this behavior

LEADERSHIP	C Consistently 4	O Often 3	S Sometimes 2	R Rarely 1	N Never 0
1. Accepts or volunteers for responsibilities; follows through with tasks and usually does them well					
2. Is self-confident with adults and classmates; is usually well-liked and chosen as a leader					
3. Tends to dominate others and generally organizes and directs activities when involved in a group					
4. Seems to enjoy being with other people; sociable, empathetic, charismatic and/or sometimes may be a loner					
5. Is a leader, role model, trend setter in or out of school					
6. Has a strong sense of self, pride, and worth; has a strong self-concept					
7. Likes to be in charge/assertive/helps the teacher with the class responsibilities					
8. Explains things to other students/helps them finish assignments. (May neglect own work because helping others.)					
9. Has good reasoning ability					
10. Has a keen awareness of the group process and may have the ability to manipulate others					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points LEADERSHIP: _____

This student exhibits this behavior:

CREATIVITY	C	O	S	R	N
1. Displays intellectual playfulness; imagines, elaborates, or modifies basic ideas to add interest or fun					
2. Is a high risk taker; adventurous and willing to deviate from standard procedures, answers, or behaviors; does not fear being different					
3. Displays a keen sense of humor reflective of own cultural background; sees the unusual or unexpected in everyday occurrences					
4. Displays a curiosity about many things; has many hobbies or one intense interest					
5. Generates a large number of ideas or solutions to problems and questions					
6. Becomes deeply involved in stories or films, identifies personally with characters and plots; may create own stories and plays					
7. Is creative in finding ways to communicate and express ideas; (e.g., drawing, pantomime, body language, use of concrete objects, or other alternate means may replace limited facility with oral language)					
8. Demonstrates exceptional ability in some area of the arts or athletics. (Examples: dancing, drawing/painting, singing, playing an instrument, drama, gymnastics, crafts, etc.)					
9. Is a fluent thinker, fluent in idea development, able to generate a large quantity of possibilities, consequences, or related ideas					
10. Improvises with commonplace materials; creates original and unusual products; invents things					

#in C _____ X 4 = _____
#in O _____ X 3 = _____
#in S _____ X 2 = _____
#in R _____ X 1 = _____
Total Points CREATIVITY: _____

	This student exhibits this behavior				
	C	O	S	R	N
	Consistently	Often	Sometimes	Rarely	Never
ADAPTABILITY	4	3	2	1	0
1. Learns through experience and is flexible and resourceful in solving day-to-day problems					
2. Deals effectively with deprivations, problems, frustrations or obstacles experienced in the classroom or home.					
3. Copes well with frustration: may draw negative attention because unable to sit still, or no attention because so quiet					
4. Uses limited resources and materials to make products to share in school					
5. Displays maturity of judgment and decision-making beyond own age level					
6. Can transfer learning from one situation to another; applies what is learned to everyday situations					
7. Consistent ability to accept responsibilities beyond academics in the home or classroom.					
8. Ability to cope with a variety of cultural settings , utilizing knowledge from a variety of traditions; integrating conflicting and discrepant cultural information					
9. Adapts readily to new situations; is flexible in thought and actions and is not disturbed when normal routine is changed					
10. Attempts difficult tasks; does not give up easily					

#in C_____ **X 4 =** _____

#in O_____ **X 3 =** _____

#in S_____ **X 2 =** _____

#in R_____ **X 1 =** _____

Total Points ADAPTABILITY: _____

Select the 4 highest point totals from the 5 domains and record the total points generated in those 4 domains on the GEM to determine the student's score on the Gifted Characteristics section.

The student must score at least one (1) point on the Gifted Characteristics section of the GEM to be considered for eligibility.

LIST DOMAIN_____**TOTAL POINTS =** | |

LIST DOMAIN_____**TOTAL POINTS =** | |

LIST DOMAIN_____**TOTAL POINTS =** | |

LIST DOMAIN_____**TOTAL POINTS =** | |

TOTAL POINTS ON THE 4 HIGHEST AREAS = | |

Gifted Underrepresented Student Trait Indicators
(Maker, Schiever, Baldwin, Chamers, Udall, Torrance)
For use by the Gifted Eligibility Team (GET)

Name of Student:_____Date:_____

School: _____Grade:_____Completed By:_____

Free or reduced lunch:_____

English Language Learner (ELL) Language Classification:_____

1. _____ Is curious
2. _____ Offers ideas or solutions to problems
3. _____ Is uninhibited in expression of opinions
4. _____ Risks an incorrect answer
5. _____ Displays intellectual playfulness (manipulates ideas; tries to adapt, improve or modify things to benefit self)
6. _____ Displays a mature sense of humor and at times may be inappropriate (use of puns, associations)
7. _____ Shows emotional sensitivity
8. _____ Has ability to add to ideas, drawings, thoughts and words
9. _____ Has ability to grasp underlying ideas
10. _____ Is inventive
11. _____ Becomes absorbed and very involved in certain topics, problems or activities
12. _____ Stays with a task for a long time, especially when interested.
13. _____ Has a need for freedom
14. _____ Likes to learn some things alone.
15. _____ Exhibits skilled body movements
16. _____ Shows mechanical sense; knows how to "fix things" or "take things apart"
17. _____ Shows physical stamina
18. _____ Exhibits good hand-eye coordination
19. _____ Displays a sense of sensory patterns
20. _____ Carries responsibility well
21. _____ Is self-confident with peers and adults
22. _____ Is cooperative
23. _____ Is social; outgoing
24. _____ Is frank in the appraisal of adults
25. _____ Frequently interrupts others when they are talking (even peers)
26. _____ Has a large amount of knowledge about a lot of topics
27. _____ Is a good guesser
28. _____ Is good at games of strategy

Total number of student indicators noted _____.

To receive 1 point on the eligibility matrix 15-21 indicators must be checked.
To receive 2 points on the eligibility matrix 22-28 indicators must be checked.

Recommended based on student indicators _____YES _____NO

School Letter Head

Date

To The Parents of_____:

Your child is being considered for possible eligibility for the gifted program. The gifted program is offered to students who have superior intellectual potential and who are capable of high performance. The program encourages students to maximize intellectual growth and become aware of personal and community responsibilities.

Instruction for gifted students concentrates on areas that expand and enrich those addressed in the general education curriculum. Students are given opportunities to participate in activities that challenge them.

Please complete the attached Parent/Community Nomination Form and return it to_____ _____, your child's teacher. If you need help in completing this form or have any questions, please contact_____at_____.
(contact person) (telephone number)

Sincerely,

Principal

School Letter Head

Date:

To The Parents of_____:

We recently completed screening tests with your child. The following people met to discuss the results:

Name	Position
_____	_____
_____	_____
_____	_____
_____	_____

The results of the test are as follows:

Screening Instruments	Date Given
_____	_____
_____	_____
_____	_____
_____	_____

The above screening information does not indicate the need for further testing at this time. Your child's teacher(s) will continue to monitor his/her progress in the classroom and will initiate action if significant changes occur.

Thank you for allowing us to test your child. It has provided us with information about how to better meet your child's needs in the classroom. If you have any questions, please call _____ _____ at _____.

(Contact Person) (Phone Number)

Sincerely,

Principal

HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("***Agreement***") is made and entered into as of this 23rd day of June, 2020 the "***Effective Date***"), by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "***SBBC***" or "***Covered Entity***"),
a body corporate and political subdivision of the State of
Florida, whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

TX SOURCE, INC.
(hereinafter referred to as "Business Associate"),
whose principal place of business is
5215 Militia Hill Road, Suite A
Plymouth Meeting, Pennsylvania 19462

WHEREAS, by virtue of some of the services that Business Associate performs for SBBC, Business Associate may be a "business associate," as that term is defined in 45 C.F.R. §160.103; and

WHEREAS, SBBC and Business Associate may share Protected Health Information ("PHI") (as defined below) in the course of their relationship; and

WHEREAS, SBBC and Business Associate understand that, with respect to coverages subject to regulation under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), they are subject to the requirements governing business associates, including but not limited to the Privacy Rule and the Security Rule (both defined below) of HIPAA, the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH"), the Omnibus Rule of 2013, and applicable Florida law, any of which may be amended from time to time or supplemented by new legislation or guidance (hereinafter collectively referred to as "Business Associate Requirements"); and

WHEREAS, SBBC and Business Associate intend to fully comply with current and future Business Associate requirements and mutually desire to outline their individual responsibilities with respect to Protected Health Information ("***PHI***") as mandated by the "Privacy Rule", the "Security Rule", and the HITECH Act; and

WHEREAS, SBBC and Business Associate understand and agree that the Business Associate requirements require SBBC and Business Associate to enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of Electronic PHI ("ePHI").

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1 – RECITALS

1. **Definitions**. When used in this Agreement and capitalized, the following terms have the following meanings:

   (a) "***Breach***" has the same meaning as that term is defined in §13400 of the HITECH Act and shall include the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information.

ARTICLE 1 – RECITALS

(b) "***Business Associate***" shall mean Business Associate named above and shall include all successors, assigns, affiliates, subsidiaries, and related companies.

(c) "***Designated Record Set***" has the same meaning as the term "designated record set" in 45 CFR §164.501, which includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or part by or for the Plan to make decisions about individuals.

(d) "***EDI Rule***" shall mean the Standards for Electronic Transactions as set forth at 45 CFR Parts 160, Subpart A and 162, Subpart A and I through R.

(e) "***Electronic PHI***" or "ePHI", shall mean PHI that is transmitted by or maintained in electronic media.

(f) "***HIPAA***" means the Health Insurance Portability and Accountability Act of 1996.

(g) "***HITECH Act***" means the Health Information Technology for Economic and Clinical Health Act of 2009.

(h) "***Individual***" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(i) "***Minimum Necessary***" means the least amount of PHI needed to accomplish the intended purpose of the use or disclosure.

(j) "***Omnibus Rule***" means the HIPAA Omnibus Rule of 2013.

(k) "***Privacy Rule***" shall mean the Standards for Privacy of Individually Identifiable Health Information as set forth in 45 C.F.R. Parts 160 and 164, subparts A and E.

(l) "***Protected Health Information***" or "***PHI***" shall have the same meaning as the term "protected health information" in 45 C.F.R. §160.103 (as amended by the HITECH Act) limited to the information created or received by Business Associate from or on behalf of SBBC.

(m) "***Required by Law***" shall have the same meaning as the term "required by law" in 45 C.F.R. §164.103.

(n) "***Secretary***" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(o) "***Security Rule***" shall mean the Standards for Security of ePHI as set forth in 45 C.F.R. Parts 160 and 164 Subpart C.

(p) "***Unsecured PHI***" shall mean PHI that is not secured through the use of a technology or methodology specified by the Secretary in guidance or as otherwise defined in §13402(h) of the HITECH Act.

Terms used but not defined in this Agreement shall have the same meaning as those terms in 45 C.F.R. §§ 164.103 and 164.501 and the HITECH Act.

ARTICLE 2 – SPECIAL CONDITIONS

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to comply with the "Minimum Necessary" rule when using, disclosing, or requesting PHI, except when a specific exception applies under HIPAA or the HITECH Act.

(c) Business Associate agrees to use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(d) Business Associate agrees to report to SBBC, as soon as reasonably practicable, any impermissible use or disclosure of PHI it becomes aware of, and any use or disclosure of PHI not provided for by this Agreement. Any report of breach should be in substantially the same form as Exhibit A hereto.

(e) Business associate shall promptly inform SBBC of a Breach of Unsecured PHI within the next business day of when Business Associate knows of such Breach

(f) For the Breach of Unsecured PHI in its possession:

1. Business Associate will perform a Risk Assessment to determine if there is a low probability that the PHI has been compromised. Business Associate will provide SBBC with documentation showing the results of the Risk Assessment. The Risk Assessment will consider at minimum the following factors:

    a. The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification;

    b. The unauthorized person who used the PHI or to whom the disclosure was made;

    c. Whether the PHI was actually acquired or viewed; and

    d. The extent to which the risk to the PHI has been mitigated.

2. Business Associate will prepare and distribute, at its own cost, any and all required notifications under Federal and Florida law, or reimburse SBBC any direct costs incurred by SBBC for doing so.

3. Business Associate shall be responsible for all fines or penalties incurred for failure to meet Breach notice requirements pursuant to Federal and/or Florida law.

ARTICLE 2 – SPECIAL CONDITIONS

(g) Business Associate agrees to ensure that, and obtain assurance from, any and all agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI, to agree to the same restrictions and conditions that apply to Business Associate with respect to such information. All agents and subcontractors engaged by the Business Associate that create, maintain, receive or transmit PHI must comply with the HIPAA Rules, including the rules to extend the requirements to the agent's or subcontractor's subcontractors.

(h) Business Associate agrees to provide SBBC access, at the request of SBBC, and in the time and manner designated by SBBC, to PHI in a Designated Record Set, in order for SBBC to meet the requirements under 45 C.F.R. § 164.524.

(i) Business Associate agrees to amend PHI in a Designated Record Set at SBBC's, or an Individual's, direction pursuant to 45 C.F.R. § 164.526, in the time and manner designated by SBBC. Business Associate agrees to make internal practices, policies, books and records relating to the use and disclosure of PHI available to SBBC, or at the request of SBBC to the Secretary, in a time and manner as designated by SBBC or the Secretary, for purposes of the Secretary determining SBBC's compliance with the Privacy Rule. Business Associate shall immediately notify SBBC upon receipt or notice of any and all requests by the Secretary to conduct an investigation with respect to PHI received from SBBC.

(j) Business Associate agrees to document any and all disclosures of PHI and information related to such disclosures that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be reasonably required for SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(k) Business Associate agrees to provide to SBBC or an Individual, in a time and manner designated by SBBC, information collected in accordance with paragraph (j) above, to permit SBBC to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(l) Business Associate agrees to use or disclose PHI pursuant to the request of SBBC; provided, however, that SBBC shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by SBBC.

(m) Business Associate agrees to mitigate, to the extent practicable, any and all harmful effects that are known to Business Associate of a use or disclosure of PHI, or a Breach of Unsecured PHI, by Business Associate in violation of the requirements of this Agreement, the Privacy Rule, the Security Rule, the HITECH Act or HIPAA generally.

(n) Business Associate shall provide SBBC with a copy of any notice of privacy practices it produces in accordance with 45 C.F.R. § 164.520, as well as any and all changes to such notice.

(o) Business Associate, if performing a function that applies to Covered Entity, agrees to comply with the requirements that apply to the Covered Entity.

ARTICLE 2 – SPECIAL CONDITIONS

3. **Permitted Uses and Disclosures of PHI by "Business Associate".**

   (a) Except as otherwise limited by this Agreement, Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, SBBC pursuant to any Agreements for services between the parties provided that such use or disclosure would not violate the Privacy Rule if done by SBBC.

   (b) Except as otherwise limited by this Agreement, Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

   (c) Except as otherwise limited by this Agreement, Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if: (i) such disclosure is Required by Law, or (ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any and all instances of which it is aware that the confidentiality of the information has been breached.

   (d) Except as otherwise limited by this Agreement, Business Associate may use PHI to provide Data Aggregation services to SBBC as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. **Obligations of SBBC Regarding PHI.**

   (a) SBBC shall provide Business Associate with the notice of privacy practices that SBBC produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

   (b) SBBC shall provide Business Associate with any and all changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

   (c) SBBC shall notify Business Associate of any and all restrictions to the use or disclosure of PHI that SBBC has agreed to in accordance with 45 C.F.R. § 164.522.

   (d) SBBC and its representatives shall be entitled to audit Business Associate from time-to-time to verify Business Associate's compliance with the terms of this Agreement. SBBC shall provide Business Associate written notice at least ten (10) business days prior to the audit described in this paragraph. SBBC shall be entitled and enabled to inspect the records and other information relevant to Business Associate's compliance with the terms of this Agreement. SBBC shall conduct its review during the normal business hours of Business Associate, as the case may be, and to the extent feasible without unreasonably interfering with Business Associate's normal operations.

5. **Security of Electronic Protected Health Information.**

   (a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of "electronic protected health information" **(as defined in 45 C.F.R. §160.103)** ("ePHI") on behalf of SBBC complies with the applicable administrative, physical, and technical safeguards required for protecting the confidentiality and integrity of ePHI in 45 C.F.R. Part 160 and 164 subpart C.

ARTICLE 2 – SPECIAL CONDITIONS

(b) Business Associate agrees that it will ensure that its agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality and integrity of ePHI pursuant to 45 C.F.R. Part 164.

(c) Business Associate agrees to report to SBBC all Security Incidents (as defined by 45 C.F.R. Part 164.304 and in accordance with applicable Florida law) of which it becomes aware. Business Associate agrees to report the Security Incident to SBBC as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) SBBC agrees and understands that SBBC is independently responsible for the security of ePHI in its possession or for ePHI that it receives from outside sources including Business Associate.

6. Compliance with EDI Rule.

Business Associate agrees that it will comply with all applicable EDI standards. Business Associate further agrees that it will use its best efforts to comply with all applicable regulatory provisions in addition to the EDI Rule and the Privacy Rule that are promulgated pursuant to the Administrative Simplification Subtitle of HIPAA.

7. Subsequent Legislative or Regulatory Changes.

Any and all amendments to the laws or regulations affecting the Privacy Rule, Security Rule, the HITECH Act, Omnibus Rule, or HIPAA shall be deemed to amend this Agreement and be incorporated without further action of the parties.

8. Amendment.

The parties shall amend this Agreement, as is necessary, so that SBBC remains in compliance with any future changes to the Privacy Rule, the Security Rule, the HITECH Act and HIPAA. The parties may amend this Agreement for any other reasons as they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

9. Term and Termination.

(a) Term. This Agreement shall be effective upon the execution of all parties and shall remain in effect until such time as SBBC exercises its rights of termination under section 9(b) or 9(c) and until the requirements of Section 9(d) below are satisfied. The rights and obligations of Business Associate under Section 9(d) shall survive termination of this Agreement.

(b) Termination for Convenience. This Agreement may be terminated without cause and for convenience by SBBC during the term thereof upon thirty (30) days written notice to Business Associate.

(c) Termination for Cause by SBBC. Upon SBBC's knowledge of a material breach by Business Associate, SBBC shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within thirty (30) days from the date that SBBC provides notice, SBBC shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to Business Associate.

ARTICLE 2 – SPECIAL CONDITIONS

SBBC may terminate this Agreement without penalty or recourse to SBBC if SBBC determines that Business Associate has violated a material term of this Agreement.

Upon Business Associate knowledge of a material breach by SBBC, Business Associate shall provide an opportunity for SBBC to cure the breach. If SBBC does not cure the breach within thirty (30) days of the date that Business Associate provides notice of such breach to SBBC, Business Associate shall have the right to terminate this Agreement, the Service Agreement, or both, by providing thirty (30) days advance written notice of such termination to SBBC.

(d) ***Effect of Termination***. Upon termination of this Agreement for any reason, Business Associate shall return or destroy all PHI received from SBBC, or created or received by Business Associate on behalf of SBBC. Business Associate shall not retain any copies of the PHI except to the extent that the destruction or return of the PHI is infeasible. Business Associate shall provide to SBBC written notification of the conditions that make return or destruction of the PHI infeasible. If it is determined by SBBC that the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that SBBC explicitly authorizes in writing for so long as Business Associate maintains such PHI.

10. Indemnification.

(a) By SBBC: SBBC agrees to be fully responsible for its acts of negligence or its agent's acts of negligence when acting within the scope of their employment and agrees to be liable for any damages resulting from said negligence.

(b) By Business Associate: Business Associate agrees to indemnify, hold harmless and defend SBBC, its agents, servants and employees from any and all claims, judgments, costs and expenses including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery cost, court costs and all other sums which SBBC, its agents, servants and employees must pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods, or services furnished by Business Associate, its agents, servants or employees; the equipment of Business Associate, its agents, servants or employees while such equipment is on premises owned or controlled by SBBC; or the negligence of Business Associate's agents when acting within the scope of their employment or agency, whether such claims, judgments, costs and expenses be for damages, damage to property including Business Associate's property, and injury or death of any person whether employed by Business Associate, SBBC or otherwise.

11. No Waiver of Sovereign Immunity.

Nothing contained herein is intended to serve as a waiver of sovereign immunity by any agency or political subdivision to which sovereign immunity may be applicable or as a waiver of limits to liability or rights existing under Section 768.28, Florida Statutes.

ARTICLE 3 – GENERAL CONDITIONS

12. No Third Party Beneficiaries.

The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

13. Non-Discrimination.

The parties shall not discriminate against any employee or participant in the performance of the duties, responsibilities and obligations under this Agreement because of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.

14. Records.

Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

15. Preparation of Agreement.

The parties acknowledge that they have sought and obtained whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to herein expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

16. Waiver.

The parties agree that each requirement, duty and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

17. Compliance with Laws.

Each party shall comply with all applicable federal and state laws, codes, rules and regulations in performing its duties, responsibilities and obligations pursuant to this Agreement.

18. Binding Effect.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

19. Assignment.

Neither this Agreement nor any interest herein may be assigned, transferred or encumbered by any party without the prior written consent of the other party. There shall be no partial assignments of this Agreement including, without limitation, the partial assignment of any right to receive payments from SBBC.

ARTICLE 3 – GENERAL CONDITIONS

20. Force Majeure.

Neither party shall be obligated to perform any duty, requirement or obligation under this Agreement if such performance is prevented by fire, hurricane, earthquake, explosion, wars, sabotage, accident, flood, acts of God, strikes, or other labor disputes, riot or civil commotions, or by reason of any other matter or condition beyond the control of either party, and which cannot be overcome by reasonable diligence and without unusual expense ("Force Majeure"). In no event shall a lack of funds on the part of either party be deemed Force Majeure.

21. Place of Performance.

All obligations of SBBC under the terms of this Agreement are reasonably susceptible of being performed in Broward County, Florida and shall be payable and performable in Broward County, Florida.

22. Notices.

When any of the parties desire to give notice to the other, such notice must be in writing, sent by U.S. mail, postage prepaid, addressed to the party for whom it is intended at the place last specified; the place for giving notice shall remain such until it is changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving notice:

To SBBC:	Superintendent of Schools The School Board of Broward County, Florida 600 Southeast 3rd Avenue Fort Lauderdale, Florida 33301
With a Copy to:	Executive Director, ESLS Division The School Board of Broward County, Florida 1701 NW 23rd Avenue Fort Lauderdale, Florida 33301
	Privacy Officer Risk Management Department The School Board of Broward County, Florida 600 S.E. 3rd Avenue, 11th Floor Ft. Lauderdale, FL 33301
To Business Associate:	Joshua Cartagenova, CEO Therapy Source, Inc. d/b/a TX Source, Inc. 5215 Militia Hill Road Suite A Plymouth Meeting, Pennsylvania 19462
With a Copy to:	Phil Puleo, National Director of Strategic Growth Therapy Source, Inc. d/b/a TX Source, Inc. 5215 Militia Hill Road Suite A Plymouth Meeting, Pennsylvania 19462

ARTICLE 3 – GENERAL CONDITIONS

23. Severability.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not affect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

24. Captions.

The captions, section numbers, title and headings appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such articles or sections of this Agreement, nor in any way effect this Agreement and shall not be construed to create a conflict with the provisions of this Agreement.

25. Authority.

Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

26. No Waiver of Rights, Powers and Remedies.

The parties agree that each requirement, duty, right and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof. Any party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement unless the waiver is in writing and signed by the party waiving such provision. A written waiver shall only be effective as to the specific instance for which it is obtained and shall not be deemed a continuing or future waiver.

27. Regulatory References.

A reference in this Agreement to any part of the Privacy Rule, the Security Rule, the HITECH Act, or HIPAA shall refer to the most current form of legislation, and shall incorporate any future amendments.

28. Governing Law.

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida.

29. Entire Agreement.

This Agreement incorporates and includes all prior negotiations, correspondence, conversations, agreements and understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this Agreement. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

(Corporate Seal)

ATTEST:

Robert W. Runcie, Superintendent of Schools

FOR SBBC:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By _____
Donna P. Korn, Chair

Approved as to Form and Legal Content:

Digitally signed by Kathelyn Jacques-Adams, Esq. - kathelyn.jacques-adams@gbrowardschools.com
Reason: TX Source, Inc. - RFP FY21-007 – Speech-Language Pathology and Audiology Services
Date: 2020.06.16 16:10:20 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BUSINESS ASSOCIATE

TX SOURCE, INC.

Signature

By: Joshua Cartagerova CEO
Print Name and Title

Witness

Witness

The Following Notarization is Required for this Agreement with Two (2) Witness Signatures

STATE OF Pennsylvania

COUNTY OF Montgomery

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this June 16, 2020 (*date*) by Joshua Cartagerova CEO (*name of officer or agent, title of officer or agent*) of TX Source, Inc. (*name of corporation acknowledging*), a Pennsylvania (*state or place of incorporation*) corporation, on behalf of the corporation. He/she is ☑ personally known to me or has produced (Known) (*type of identification*) as identification and who ☑ did/☐ did not first take an oath this 16th day of June, 2020.

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal
RACHEL OSTAFI, Notary Public
Montgomery County
My Commission Expires December 5, 2022
Commission Number 1334382

(SEAL)

Signature – Notary Public

Rachel Ostafi
Notary's Printed Name

1334382
Notary's Commission No.

[THIS SPACE INTENTIONALLY LEFT BLANK]

EXHIBIT A

NOTIFICATION TO THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ABOUT A BREACH OF UNSECURED PROTECTED HEALTH INFORMATION

This notification is made pursuant to Section 2(d) of the Business Associate Agreement between THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ("SBBC") and _____ (Business Associate).

Business Associate hereby notifies SBBC that there has been a breach of unsecured (unencrypted) protected health information (PHI) that Business Associate has used or has had access to under the terms of the Business Associate Agreement.

Description of the breach: _____

_____

Date or date range of the breach: _____

Date of the discovery of the breach: _____

Number of individuals affected by the breach: _____

The types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code): _____

_____

_____

Description of what Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches: _____

_____

_____

Recommended steps the individuals whose information was breached should take to protect themselves from potential harm resulting from the breach: _____

_____

Contact information to ask questions or learn additional information:

Name: _____

Title: _____

Address: _____

_____

Email Address: _____

Phone Number: _____

Procurement & Warehousing Services
Broward County Public Schools

RECOMMENDATION TABULATION

RFP #:	FY21-007	Tentative Board Meeting Date*:	JUNE 23, 2020
RFP Title:	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES	# Notified: 140	# Downloaded: 37
		# of Responses Rec'd: 25	# of "No Bids": 0
For:	EXCEPTIONAL STUDENT LEARNING SUPPORT (School/Department)	RFP Opening Date :	DECEMBER 12, 2019
Fund:	GENERAL FUND	Advertised Date:	NOVEMBER 14, 2019

POSTING OF Select One RECOMMENDATION/TABULATION: Select One Recommendations and Tabulations will be posted in the Procurement & Warehousing Services and www.Demandstar.com on **JANUARY 13, 2020 @ 3:00 pm** and will remain posted for 72 hours. Any person who is adversely affected by the decision or intended decision shall file a notice of protest, in writing, within 72 hours after the posting of the notice of decision or intended decision. The formal written protest shall be filed within ten (10) days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this chapter. Section 120.57(3)(b), Florida Statutes, states that "The formal written protest shall state with particularity the facts and law upon which the protest is based." Saturdays, Sundays, state holidays and days during which the District is closed shall be excluded in the computation of the 72-hour time period provided. Filings shall be at the office of the Director of Procurement & Warehousing Services, 7720 West Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351. Any person who files an action protesting an intended decision shall post with the School Board, at the time of filing the formal written protest, a bond, payable to The School Board of Broward County, Florida, (SBBC), in an amount equal to one percent (1%) of the estimated value of the contract. Failure to post the bond required by SBBC Policy 3320, Part VIII, Purchasing Policies, Section N, within the time allowed for filing a bond shall constitute a waiver of the right to protest.

(*) The Cone of Silence, as stated in the ITB / RFP / RFQ / HARD BID, is in effect until it is approved by SBBC. The Board meeting date stated above is tentative. Confirm with the Purchasing Agent of record for the actual date the Cone of Silence has concluded.

RECOMMENDATION TABULATION

TWENTY-FIVE (25) PROPOSALS WERE RECEIVED IN RESPONSE TO RFP FY21-007. PROPOSALS WERE EVALUATED BY THE FOLLOWING COMMITTEE MEMBERS CONSISTING OF:

DENEEN GORASSINI – COORDINATOR, MEDICAID/504
DEBRA HARRINGTON – CURRICULUM SPECIALIST – SPEECH-LANGUAGE IMPAIRED, ESLS DEPARTMENT
LISA-ANN CLARKE – FINANCIAL ADMINISTRATOR, MEDICAID/504

S/M/WBE ADVISOR: ANNE MARIE RICHARDS – COORDINATOR, SUPPLIER DIVERSITY OUTREACH PROGRAM

IN ACCORDANCE WITH SECTION 5.0, EVALUATION OF PROPOSALS AND THE EVALUATION COMMITTEE, IT IS RECOMMENDED THAT THE FOLLOWING LISTED PROPOSERS BE RECOMMENDED FOR APPROVAL BY THE SCHOOL BOARD FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES. IN ORDER TO BE CONSIDERED QUALIFIED FOR APPROVAL, A MINIMUM SCORE OF 65 POINTS IS REQUIRED.

ACADEMIC STAFFING INC.
ALL SOURCE RECRUITING GROUP, INC.
D/B/A ARDOR HEALTH SOLUTIONS
AMPLIOSPEECH, INC.
AUDREY B. GREENWALD, M.S., CCC, P.A.
D/B/A BOCA SPEECH CENTER
COMMUNITY REHAB ASSOCIATES, INC.
D/B/A CRA THERAPY
COMPREHENSIVE THERAPY CONSULTANTS, INC.
*CREATIVE SOLUTIONS COMPANION CARE SERVICE, "LLC" **MBE-AA**
D/B/A CREATIVE SOLUTIONS IN HOME HEALTH
EBS HEALTHCARE STAFFING SERVICES, INC.
EDU HEALTHCARE, LLC
THE EXECU/SEARCH GROUP, LLC

The School Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination complaint, may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.

Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call the Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.

PAGE 2
RECOMMENDATION TABULATION
RFP FY21-007 – SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES

*GLOBAL SPEECH AND REHAB SERVICES, LLC **MWBE-AA**
HEALTHPRO PEDIATRICS, LLC
INNOVATIVE EMPLOYEE SOLUTIONS, INC. (PRIME) / PRINCETON STAFFING SOLUTIONS
INVO HEALTHCARE ASSOCIATES, LLC
*MG THERAPY, INC. **MWBE-HA**
ORANGE TREE STAFFING, LLC
PEDIATRIC DEVELOPMENTAL SERVICES, LLC
RCM TECHNOLOGIES (USA), INC.
D/B/A RCM HEALTH CARE SERVICES, A DIVISION OF RCM TECHNOLOGIES (USA), INC.
*SPEECH REHAB SERVICES, LLC **WBE**
SUNBELT STAFFING, LLC
THERAPRO STAFFING INC
THERAPY SOURCE, INC.
D/B/A TX SOURCE, INC.

(*) CERTIFIED PRIME M/WBE VENDOR

IT IS RECOMMENDED FOR REASON(S) STATED ON THE ATTACHED RFP REJECTION SHEET, THE RFP PROPOSAL IN PART OR IN ITS ENTIRETY BE REJECTED FOR NOT COMPLYING WITH RFP REQUIREMENTS.

THE AWARD FOR THESE PROPOSERS SHALL BE CONTINGENT UPON SUCCESSFUL COMPLETION OF WRITTEN AGREEMENTS.

CONTRACT PERIOD: JULY 1, 2020 THROUGH JUNE 30, 2023

By: Charles O. High (Purchasing Agent)

Date: JANUARY 13, 2020

The School Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender expression, national origin, marital status, race, religion, sex or sexual orientation. Individuals who wish to file a discrimination complaint, may call the Executive Director, Benefits & EEO Compliance at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.

Individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call the Equal Educational Opportunities (EEO) at 754-321-2150 or Teletype Machine (TTY) at 754-321-2158.

FY21-007
Speech-Language Pathology and Audiology Services
RFP Rejection Sheet

Reject the entire proposal from Jackson Therapy Partners. In accordance with Section 4.2, Subsections 4.2.1, 4.2.2 and 4.2.3, Proposer must provide a direct answer for each subsection number when the proposal is submitted. Failure to provide an answer for each subsection requested will result in disqualification of the proposal. Proposer did not directly answer subsections 4.2.1, 4.2.2 and 4.2.3 when they submitted their proposal;therefore, the submitted proposal is disqualified.

Reject the entire proposal from Kids First Therapeutic Services, LLC. In accordance with Section 4.2, Subsection 4.2.2, Proposer must provide a sample of candidates that have a current/active professional license for Speech-Language Pathology/Audiology issued by the Department of Health from the State of Florida number(s) and submit a copy of the State of Florida license number(s) as required by this RFP. Proposer did not provide a sample of candidates with a current/active license for Speech-Language Pathology/Audiology in their submitted proposal. Section 4.2 says failure to provide the information requested will result in the disqualification of proposal; therefore, the submitted proposal is disqualified.

Reject the entire proposal from Therapy Care Ltd. In accordance with Section 4.2, Subsection 4.2.2, Proposer must provide a sample of candidates that have a current/active professional license for Speech-Language Pathology/Audiology issued by the Department of Health from the State of Florida number(s) and submit a copy of the State of Florida license number(s) as required by this RFP. Therapy Care did provide one Speech-Language Pathologist, Mr. Ed Strugalla, M.H.S.,CCC-SLP, there was no SLP license provided from the Department of Health, State of Florida. His name did not come up at the Department of Health, State of Florida website. Also, Therapy Care did not respond to Section 4.2.2, Minimum Eligibility in their proposal. Section 4.2 says failure to provide the information requested will result in the disqualification of proposal; therefore, the submitted proposal is disqualified.

Reject offer for Section 4.4.3.2 - Audiologist from HealthPro Pediatrics, LLC. Section 4.4.3.2 states that the unit price must not exceed $59.00/hr. Proposer offered $65.00/hr for an Audiologist; therefore, the services for an Audiologist is disqualified.

SCORE TABULATION SHEET

Bid No:	**FY21-007**
Title of Bid:	**Speech-Language Pathology and Audiology Services**
Purchasing Agent Name:	**Charles V. High**
Bid Opening Date:	**December 12, 2019**
Evaluation Meeting:	**January 9, 2020**

Proposer's Name	Total Score	Recommended for Award
Academic Staffing Inc	82	✓
AmplioSpeech	76	✓
Ardor Health Solutions	74	✓
Boca Speech Center	84	✓
Community Rehab Associates	84	✓
Comprehensive Therapy Consultants	84	✓
Creative Colutions Companion Care Services	97	✓
EDU Healthcare	82	✓
Educational Bases Services	92	✓
Execu-Search Group	82	✓
Global Speech and Rehab Services	98	✓
HealthPro Pediatrics	81	✓
Innovative Employee Solutions	75	✓
Invo HealthCare Associates	84	✓
MG Therapy	96	✓
Orange Tree Staffing, LLC	84	✓
Pediatric Developmental Services	81	✓
RCM Health Care Services	82	✓
Speech Rehab Services	99	✓
Sunbelt Staffing	83	✓
Therapro Staffing Inc	81	✓
Therapy Source, Inc.	82	✓

FY21-007
Speech-Language Pathology and Audiology Services
RFP Rejection Sheet

Reject the entire proposal from Jackson Therapy Partners. In accordance with Section 4.2, Subsection 4.2.1, Proposer must provide an answer to Section 4.2.1 when the proposal is submitted. Failure to provide the information requested will result in disqualification of the proposal. Proposer did not checkmark the box either Yes or No in Section 4.2.1 of their proposal or provide a statement agreeing to Section 4.2.1; of the RFP; therefore, the submitted proposal is disqualified.

Reject the entire proposal from Kids First Therapeutic Services, LLC. In accordance with Section 4.2, Subsection 4.2.2, Proposer must provide a sample of candidates that have a current/active professional license for Speech-Language Pathology/Audiology issued by the Department of Health from the State of Florida number(s) and submit a copy of the State of Florida license number(s) as required by this RFP. Proposer did not provide a sample of candidates with a current/active license for Speech-Language Pathology/Audiology in their submitted proposal. Section 4.2 states failure to provide the information requested will result in the disqualification of proposal; therefore, the submitted proposal is disqualified.

Reject the entire proposal from Therapy Care Ltd. In accordance with Section 4.2, Subsection 4.2.2, Proposer must provide a sample of candidates that have a current/active professional license for Speech-Language Pathology/Audiology issued by the Department of Health from the State of Florida number(s) and submit a copy of the State of Florida license number(s) as required by this RFP. Therapy Care did provide one Speech-Language Pathologist, Mr. Ed Strugalla, M.H.S.,CCC-SLP, there was no SLP license provided from the Department of Health, State of Florida in their proposal and Mr. Strugalla's name did not come up at the Department of Health, State of Florida website. Also, Therapy Care did not respond to Section 4.2.2, Minimum Eligibility in their proposal. Section 4.2 states failure to provide the information requested will result in the disqualification of proposal; therefore, the submitted proposal is disqualified.

Reject offer for Section 4.4.3.2 - Audiologist from HealthPro Pediatrics, LLC. Section 4.4.3.2 states that the unit price must not exceed $59.00/hr. Proposer offered $65.00/hr for an Audiologist; therefore, the services for an Audiologist is disqualified.

FY21-007

Speech-Language Pathology and Audiology Services

Cost Comparison

Speech Pathologist

Vendor Name	SBBC FY21-007 Cost/hr, Includes Evaluation	SBBC 18-001V Current RFP	Miami-Dade ITB-18-031 CM Cost/hr only	Miami-Dade ITB-18-031-CM Additional Cost per Evaluation	Palm Beach RFP 17C-80B Cost/hr	% Variance higher between Palm Beach and SBBC
Academic Staffing	$ 58.00	No Bid			No Bid	
Amplio Speech	$ 58.00	No Bid			No Bid	
Ardor Health Solutions	$ 59.00	$ 58.00			$ 60.00	1.7%
Boca Speech Center	$ 58.75	$ 59.00			$ 64.00	1.6%
Community Rehab Associates	$ 59.00	$ 59.50			$ 64.75	1.5%
Comprehensive Therapy Consultants	$ 59.00	$ 59.00			$ 65.00	1.5%
Creative Solutions Companion Care	$ 58.75	No Bid			No Bid	
EBS Healthcare Staffing Solutions	$ 59.00	$ 60.00			$ 65.00	1.5%
EDU Healthcare	$ 59.00	$ 59.00			$ 63.50	1.6%
The Execu-Search Group	$ 59.00	$ 57.50			$ 63.75	1.6%
Global Speech Rehab Services	**$ 57.25**	No Bid	**$ 57.25**	**$110.00 per evaluation**	No Bid	
HealthPro Pediatrics	$ 59.00	No Bid			No Bid	
Innovative Employee Solutions	$ 59.00	No Bid	*Miami-Dade Schools only awarded to a single vendor.*		No Bid	
Invo Healthcare Associates	$ 59.00	$ 59.00	*The cost per evaluation is additional to the hourly cost.*		$ 66.50	1.5%
MG Therpy	$ 59.00	$ 59.00			No Bid	
Orange Tree Staffing	$ 59.00	$ 60.00			$ 65.00	1.5%
Pediatric Developmental Services	$ 58.00	No Bid			No Bid	
RCM Technologies/RCM Healthcare	$ 58.50	$ 60.00			No Bid	
Speech Rehab Services	$ 58.75	$ 59.00			$ 65.00	1.5%
Sunbelt Staffing	$ 59.00	$ 59.85			No Bid	
Therapro Staffing	$ 58.00	No Bid			No Bid	
Therapy Source	$ 58.00	No Bid			No Bid	
					Average Variance and Cost Avoidence	**1.6%**

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: The Execu-Search Group	
Contact Name: Jason Niad	**Contact Phone #:** (212) 204 - 5102

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Sunbelt Staffing	
Contact Name: Catheryne Budzian	**Contact Phone #:** (813) 792 - 3410

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:		**Date:**

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: RCM Healthcare Services	
Contact Name: Michael Saks	**Contact Phone #:** (917) 286 - 5141

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Orange Tree Staffing	
Contact Name: Mardly Perez-Smith	**Contact Phone #:** (407) 388 - 4010

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: MG Therapy	
Contact Name: Maria Gurfinkel	**Contact Phone #:** (954) 560 - 1665

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Invo Healthcare	
Contact Name: Matt Stringer	**Contact Phone #:** (703) 599 - 3975

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: EDU Healthcare	
Contact Name: Matthew Lewis	**Contact Phone #:** (704) 233 - 7181

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:		**Date:**

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: EBS Healthcare Staffing	
Contact Name: John Gumpert	**Contact Phone #:** (800) 578 - 7906

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:		**Date:**

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Comprehensive Therapy Consultants	
Contact Name: NeShanta Wilburn	**Contact Phone #:** (770) 425 - 6661

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Community Rehab Associates	
Contact Name: Kelly McDonnell	**Contact Phone #:** (877) 268 - 4329

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:		**Date:**

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Boca Speech Center	
Contact Name: Audrey Greenwald	**Contact Phone #:** (561) 391 - 8444

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. **If this supplier's performance is unsatisfactory, please tell us why.** You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	

PROCUREMENT & WAREHOUSING SERVICES
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Supplier/Product Evaluation Form

The purpose of this evaluation form is to rate a supplier's performance. This form will aid the Procurement & Warehousing Services Department in determining the quality of goods and/or services purchased for the District. Your input will be used in the evaluation of future bids or proposals submitted by this supplier.

Please return completed evaluation forms to:
Procurement & Warehousing Services Department (TSSC Building)
7720 West Oakland Park Boulevard, Suite 323
Sunrise, Florida 33351

For assistance with this form contact us at
(754) 321-0505 or CLICK HERE to send us an email (include the words **Supplier/Product Evaluation Form** in the subject)

GENERAL INFORMATION

Bid #: 18-001V	**Bid Title:** Speech-Language Pathology and Audiology Services
Purchase Order #:	**Product/Service Provided:** Speech & Audiology Services
Supplier (Company) Name: Ardor Health	
Contact Name: Maria Ayguayp-Amador	**Contact Phone #:** (866) 425 - 5768

SECTION 1: SUPPLIER EVALUATION

1.) How would you rate the supplier in the following areas?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Overall customer service	☐	☐	☐	☐	☐
Delivery as scheduled or promised	☐	☐	☐	☐	☐

	1 Not Satisfied	2 Somewhat Satisfied	3 Satisfied	4 Very Satisfied
2.) How satisfied are you with the supplier?	☐	☐	☐	☐

3.) Will you use this supplier again? ☐ Yes ☐ No

SECTION 2: PRODUCT / SERVICE EVALUATION

4.) Based on the areas below, how would you rate the products/services provided with this Bid?

	1 Poor	2 Fair	3 Good	4 Very Good	5 Excellent
Compliance with specifications	☐	☐	☐	☐	☐
Quality as compared to similar products/services	☐	☐	☐	☐	☐
Prices as compared to similar products/services	☐	☐	☐	☐	☐

	1 Very Unlikely	2 Unlikely	3 Probably	4 Definitely
5.) Would you purchase this product/service again?	☐	☐	☐	☐

SECTION 3: END USER COMMENTS

Please share any additional information regarding this supplier or the products / services provided. If this supplier's performance is unsatisfactory, please tell us why. You may attach an additional sheet if necessary.

EVALUATION FORM COMPLETED BY:

Name: Debra Harrington	**Title:** Curriculum Supervisor	**Contact Phone #:** (754) 321 - 3457
School/Department: Exceptional Student Learning Support		
Participant's Signature:	**Date:**	